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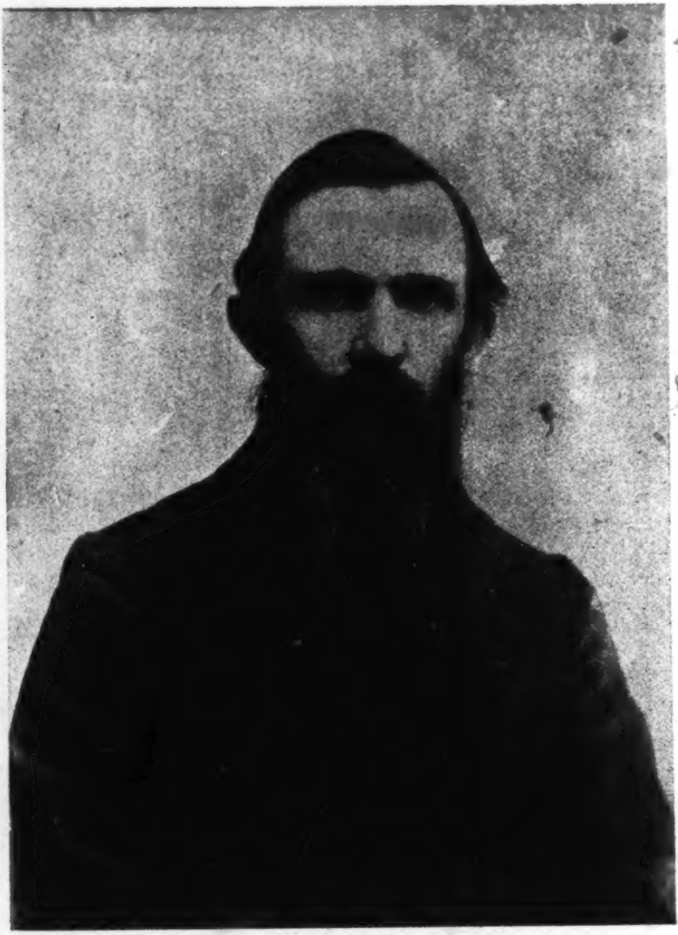

Yours very truly,
J. Henry Brown

BROWN'S

POLITICAL HISTORY OF OREGON

PROVISIONAL GOVERNMENT.

TREATIES, CONVENTIONS, AND DIPLOMATIC CORRESPONDENCE ON THE BOUNDARY QUESTION; HISTORICAL INTRODUCTION OF THE EXPLORATIONS ON THE PACIFIC COAST; HISTORY OF THE PROVISIONAL GOVERNMENT FROM YEAR TO YEAR, WITH ELECTION RETURNS AND OFFICIAL REPORTS; HISTORY OF THE CAYUSE WAR, WITH ORIGINAL DOCUMENTS.

BY J. HENRY BROWN.

VOLUME I.

WILEY B. ALLEN, - PUBLISHER.

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DEDICATION.

TO the intrepid men and women who braved the toils and dangers of the journey to Oregon in the earliest days of its settlement, whether over plains and mountains, or across the tempestuous main of two oceans; who, laying the foundation of the Pacific States of the American Union, builded better than they knew, and who preserved these broad domains to the jurisdiction of the United States, this work is reverentially dedicated by

THE AUTHOR.

PREFACE.

IN presenting this volume to the public it is hardly necessary to say that the collection of the material and data comprising the main features, and of the volumes to follow it, has been the interesting work of years. I came to Oregon forty-five years ago, while yet a boy, and here has been my home ever since. At the time of my arrival, the Provisional Government had been established by the people, and was being maintained amidst all the difficulties and vicissitudes incident to all newly settled countries; but here. on account of the isolation of the country, the hardships both of government and people, were severe indeed. The history of that government, I have attempted to give in this volume. How well I have succeeded, I leave to the considerate judgment of my readers. I have not attempted an elevated style of writing, but have endeavored to present facts drawn from official documents and from other authentic sources wherever obtainable, many of which were never before published.

To the enterprising immigrants who came prior to 1848, was given the high privilege, never to be repeated, of rocking the cradle of the infant government, till by their nourishing and sustaining care, it could grasp the folds of the American flag, and be received as an organized Territory of the Union.

The founders of the Provisional Government of Oregon, were an exceptional people and of our history. They were capable of the the work before them, as if trained and led forward by the hand of Providence. They were equal to every station of developing life and responsibility, from the plow in the field to the Senate of the United States. It was my privilege to be personally acquainted with most of these men and with the brave women who accompanied them. But few now linger on the shore of time; most of them have passed beyond, leaving their work well done. It has been my effort in this volume to make for them some lasting record.

I would beg leave to acknowledge the great assistance and encouragement which I have received from Hon. L. F. Grover, while Governor and United States Senator; also from Hons. S. F. Chadwick and Rocky P. Earhart (lately deceased) while severally filling the important office of Secretary of State for Oregon. Also, I have been greatly indebted to Hon. Henry H. Gilfry, clerk in the United States Senate, for many acts of kindness; and to Senator John H. Mitchell, for many favors.

With these remarks, I leave the verdict with a generous and discriminating public.

J. HENRY BROWN.

Portland, Oregon, 1892.

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Convention between Great Britain and Spain, signed at the Escurial, October 28, 1790.

ARTICLE 1. The buildings and tracts of land situated on the northwest coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects.

ART. 2. A just reparation shall be made, according to the nature of the case, for all acts of violence or hostility which may have been committed subsequent to the month of April, 1789, by the subjects of either of the contracting parties against the subjects of the other; and, in case any of the said respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, vessels, merchandise, and other property, whatever, on the said continent, or on the seas and islands adjacent, they shall be re-established in the possession thereof, or a just compensation shall be made to them for the losses which they have sustained.

ART. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding, between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested either in navigating, or carrying on their fisheries, in the Pacific ocean or in the South seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the following articles.

Art. 4. His Britannic Majesty engages to take the most effectual measures to prevent the navigation and fishing of his subjects in the Pacific ocean or in the South seas from being made a pretext for illicit trade with the Spanish settlements; and, with this view, it is moreover expressly stipulated that British subjects shall not navigate, or carry on their fishery, in said seas, within the space of ten sea leagues from any part of the coast already occupied by Spain.

Art. 5. As well in the places which are to be restored to the British subjects, by virtue of the first article, as in all other ports of the northwestern coasts of North America, or of the islands adjacent, situate to the north of the ports of the said coast already occupied by Spain, wherever the subjects of either of the two Powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation.

Art. 6. With respect to the eastern and western coasts of South America, and to the islands adjacent, no settlement shall be formed hereafter, by the respective subjects, in such part of these coasts as are situated to the south of these ports of the same coasts, and of the islands adjacent, which are already occupied by Spain; provided that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated, for the purposes of their fishery, and of erecting thereon huts and other temporary buildings, serving only for those purposes.

Art. 7. In all cases of complaint or infraction of the articles of the present convention, the officers of either party, without permitting themselves previously to commit any violence or act of force, shall be bound to make an exact report of the affair, and of its circumstances, to their respective Courts, who will terminate such differences in an amicable manner.

Art. 8. The present convention shall be ratified and confirmed in the space of six weeks, to be computed from the day of its signature, or sooner if it can be done.

Convention between the United States of America and Great Britain, signed at London, October 20, 1818.

Article 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods, along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarkation between the territories of the United States and those of His Britannic Majesty; and that the said line shall from the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony mountains.

Art. 3. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other

Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.

Treaty of amity, settlement, and limits, between the United States and Spain, (commonly called the Florida treaty,) signed at Washington, Feb. 22, 1819.

ARTICLE 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Saline, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then crossing the said Red river, and running thence, by a line due north, to the main Arkansas; thence following the course of the northern bank of the Arkansas to its source in latitude 42 north; and thence, by that parallel of latitude, to the South sea; the whole being laid down in Melisli's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas river should be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South sea. All the islands in the Saline, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters and the navigation of the Saline to the sea, and of said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to His Catholic Majesty, and renounce forever all their rights, claims, and pretensions to the territories lying west and south of the above described line; and, in like manner, His Catholic Majesty cedes to the United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

Convention between the United States and Russia, signed at Saint Petersburg, on the 5-17 of April 1824.

ARTICLE 1. It is agreed that, in any part of the great ocean, commonly called the Pacific ocean, or South sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives; saving always the restrictions and conditions determined by the following articles:

ART. 2 With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting Powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ART. 3. It is, moreover, agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, *to the north* of fifty-four minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

ART. 4. It is, nevertheless, understood, that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ART. 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated, that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measure of constraint whatever, towards the merchants or crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

Convention between Great Britain and Russia, signed at Saint Petersburg, Feb. 16-23, 1825.

ARTICLE I. It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean, commonly called the Pacific ocean, either in navigating the same, in fishing therein, or in landing at such parts of the coast as shall not have been already occupied, in order to trade, with the natives, under the restrictions and conditions specified in the following articles:

ART. 2. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment, without the permission of the governor or commandant; and, on the other hand, that Russian subjects shall not land, without permission, at any British establishment on the northwest coast.

ART. 3. The line of demarkation between the possessions of the high contracting parties, upon the coast of the continent, and the islands of America to the northwest, shall be drawn in the manner following:—Commencing from the southernmost point of the island called the Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the 131st and the 133d degree of west longitude, (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude. From this last mentioned point, the line of damarkation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian). And finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

ART. 4. With reference to the line of demarkation laid down in the preceding article, it is understood: 1st. That the island called Prince of Wales Island shall belong wholly to Russia. 2nd. That whenever the summit of the mountains which extend in the direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

ART. 5. It is, moreover, agreed that no establishment shall be formed by either of the two parties within the limits assigned by the two preceding articles to the possessions of the other; consequently British subjects shall not form any establishments either upon the coast, or upon the border of the continent comprised within the limits of the Russian possessions, as designated in the two preceding articles; and, in like manner, no establishment shall be formed by Russian subjects beyond the said limits.

ART. 6. It is understood that the subjects of His Britannic Majesty, from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall forever enjoy the right of navigating freely, and without hindrance whatever, all the rivers and streams which, in their course towards the Pacific ocean, may cross the line of demarkation upon the line of coast described in article 3 of the present convention.

ART. 7. It is also understood, that, for the space of ten years from the signature of the present convention, the vessels of the two Powers, or those belonging to their respective subjects, shall mutually be at liberty to frequent, without hindrance whatever, all the inland seas, gulfs, havens, and creeks, on the coast mentioned in article 3, for the purpose of fishing and trading with the natives.

ART. 8. The port of Sitka, or Novo Archangelsk, shall be open to the commerce and vessels of British subjects for the space of ten years, from the date of the exchange of the ratification of the present convention. In the event of an extension of this term of ten years being granted to any other Power, the like extension shall be granted also to Great Britain.

ART. 9. The above mentioned liberty of commerce shall not apply to the trade in spirituous liquors, in fire-arms, or other arms, gunpowder, or other warlike stores; the high contracting parties reciprocally engage not to permit the above mentioned articles to be sold or delivered, in any manner whatever, to the natives of the country.

ART. 10. Every British or Russian vessel navigating the Pacific ocean, which may be compelled by storms or by accident to take shelter in the ports of the respective parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than port and lighthouse dues, which shall be the same as those paid by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall conform himself to the regulations and tariff of the place where he may have landed.

ART. 11. In every case of complaint on account of an infraction of the articles of the present convention, the civil and military authorities of the high contracting parties, without previously acting, or taking any forcible measure, shall make an exact and circumstantial report of the matter to their respective Courts, who engage to settle the same in a friendly manner, according to the principles of justice.

Convention between the United States and Great Britain, signed at London, August 6, 1827.

ARTICLE 1. All the provisions of the third article of the convention between the United States of America and His Majesty, the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

ART. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. 3. Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward to the Stony or Rocky mountains.

Treaty between Great Britain and the United States, at Ghent, December 24, 1814.

ARTICLE 1. There shall be a firm and universal peace between his Britannic Majesty and the United States, and between their respective countries, cities, towns, and people of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the island hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratification of this treaty, or any stores or other private property. And all archives, records, deeds, and other papers, either of a public nature or belonging to private persons, which in the course of the war may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquaddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of exchange of the ratification of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty. No disposition made in this treaty, as to such possession of the islands and territories claimed by both parties, shall in any manner whatever be construed to affect the right of either.

Territorial claims upon the Northwest coast of America.—Secretary Monroe to Mr. Baker, Charge de' Affairs from Great Britain.

DEPARTMENT OF STATE, July 18, 1815.

SIR: It is represented that an expedition which has been sent by your Government against a post of the United States, established on Columbia river, had succeeded in taking possession of it. By the first article of the treaty of peace, it is stipulated that all territory, places, and possessions whatever, taken by either party from the other during the war, shall be restored without delay, with the exception of the islands in Passamaquoddy bay, which should remain in the possession of the party in whose occupation they then were, subject to the decision provided in the fourth article. As the post on the Columbia river was taken during the war, and is not within the exception stipulated, the United States are of course entitled to its restitution; measures, therefore, will be taken to re-occupy it without delay. It is probable that your Government may have given orders for its restitution; to prevent, however, any difficulty on the subject, I have to request that you will have the goodness to furnish me with a letter to the British commander there to that effect.

I have the honor to be. &c.

ANTHONY ST. JOHN BAKER, ESQ.

JAMES MONROE.

Mr. Baker's Reply.

WASHINGTON, July 23, 1815.

SIR: I have had the honor to receive your letter of the 18th inst., acquainting me that it had been represented to the American Government that a British force, sent for that purpose, had succeeded in taking possession of the United States establishment on Columbia river, and claiming its restoration under the words of the article of the treaty, upon the ground of its having been captured during the war; stating, likewise, that His Majesty's Government may have given orders for its restitution, but requesting with a view to prevent any difficulty on the subject, that I will furnish a letter to that effect to the British commander there.

As I have received no communication from His Majesty's Government on the subject of these orders, you will readily, I am convinced, perceive the impracticability of my furnishing a letter of this nature; and although it is believed that the post in question has been captured, of which, the American Government does not appear to have any certain information on which to ground the claim of restitution, yet another point, equally essential, remains in great uncertainty, viz: whether any person whatsoever were left to retain possession of it. My impression is, that the establishment was broken up, and the persons found there brought away. Vice Admiral Dixon, however, the commander-in-chief of His Majesty's naval forces on the Brazil station, in whose command the Pacific ocean is included, is no doubt in possession of every necessary information in relation to this port, and will be able to communicate on the subject with any authorized agent on the part of the United States. * * *

Sir, your most obedient and humble servant.

ANTHONY ST. JOHN BAKER.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary from Great Britain, to Mr. Adams, Secretary of State.

WASHINGTON, Nov. 26, 1817.

SIR: From conversation which you did me the honor to hold with me two days ago, upon the occasion of the inquiry which I thought it my duty to make, relative to the reported destination of the United States sloop of war *Ontario.* I am, I presume, warranted in inferring that the information which I previously received upon that subject is essentially correct, and that one of the objects of the voyage of the *Ontario* is to establish a settlement in the neighborhood of the Columbia river, on the northwest coast of America.

It will be remembered that, some months after the exchange of the ratification of the treaty of peace, an application was made to Mr. Baker, * * claiming the restitution of a port which had been held by the United States upon the Columbia river, and which was alleged to have been captured during the war; and Mr. Baker requested to take steps for the purpose of facilitating its restoration. Mr. Baker, having, in his reply, pointed out the insufficiency of the evidence on which the claim of restitution appeared to be founded, and having represented his want of authentic information and instructions upon the subject, referred the Secretary of State to the British Admiral, within whose command he conceived the Pacific ocean to be included. In consequence of this correspondence, an application was soon afterwards made by Mr. Baker to the Governor General of Canada, in the expectation that he might be enabled to furnish some information upon the subject in the event of the question being again brought into discussion. From reports then made by him, it appeared that the post in question had not been captured during the late war, but that the Americans had retired from it, under an agreement made with the Northwest Company, who had purchased their effects, and who had ever since retained peaceable possession of the coast.

As it thus appears that no claim for the restitution of this post can be grounded upon the first article of the treaty of Ghent, and as the territory was early taken possession of in His Majesty's name, and has since considered as forming a part of his Majesty's domains, I have to request that you will do me the honor to furnish me with such explanation as you may judge proper of the object of the *Ontario*, so far as it may relate to establishments upon the territory to which I refer, in order that I may represent to his Majesty's Government, in its just point of view, a measure in which His Majesty's rights and interests appear to be so materially involved.

I have the honor, &c.

CHARLES BAGOT.

Extract of a letter from Mr. Rush to the Secretary of State.

LONDON, Feb. 14, 1818,

I am now to have the honor of stating all that passed in the conversation with Lord Castlereigh, on the 1st of the month.

His lordship introduced in the last place, (assuaging as much as possible, by his manner, the essential character of his remarks) the affairs of the establishment at the mouth of the river Columbia. A dispatch from Mr. Bagot, he observed, had acquainted the Government here with the steps lately taken by the government of the United States to repossess itself of that post; and he had to express to me the regret which had been felt at the measure. It was to have been wished, he intimated, that, before the *Ontario* sailed, notice had been given to the British Minister at Washington, of the intention to dispatch her, with a communication of the object of her destination; Great Britain having a claim dominion over the territory in question. He went on to inform me that Mr. Bagot had sent in a remonstrance upon the occasion, which, at the last dates, an answer had not been returned. His lordship closed by saying that it was the desire of this Government to submit to the Government of the United States a proposal that the claim of title to this first, should, as in the two former instances, go before commissioners, and be governed, in other respects, by the precedent of the treaty, annexing to it a third supplemental article as the groundwork of an eventual arbitration.

To his propositions and remarks, I made such replies as the nature of all, and the novelty of some of them, appeared to demand. First, as to the settlement at Columbia river. Having heard nothing from the Department upon the subject, I was necessarily uninformed of what passed at Washington. I could only treat it as my first impressions dictated. I expressed the surprise which I felt at its assuming an aspect of complaint. The just grounds upon which England claimed dominion were, I said, unknown to me. Granting that there did exist in her favor any claim or pretence of right, was it possible that the lawfulness of the step taken could be drawn into question? That the spot was in our possession before the war, was a fact known to the world; that it fell by beligerant capture, into the hands of Britain, whilst it raged, was alike notorious. How, then, under a treaty which stipulated the mutual restitution of all places reduced by arms of either party, was our right to immediate and full repossession to be, for an instant, impugned? I adverted to the familiar case of Nootka Sound and the Falkland islands. Here Great Britain, under circumstances far less strong, had asserted the undeniable principle of which we had claimed the benefit. In fine, I knew not how to illustrate or justify, by argument, a measure which seemed to rest upon so broad and indisputable a foundation of national right. It is proper, at this stage, to say that Lord Castlereigh admitted in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title. The manner of obtaining it, he said, was alone to be lamented, declaring that it arose from the possible tendency which it might have to give some momentary disturbance in that region to the general harmony subsisting between the countries. He hoped sincerely this would not be the case, and added that, with a view to forestall, by the most prompt and practicable means, such a result, he had addressed a note to the lords of the admiralty, and another to Lord Bathurst, Secretary of State for the Colonial Department, desiring that the proper orders might be expedited to prevent under what form, all hostile collision. A copy of these notes he took down and read to me. I proceeded with further remarks. Though it was scarcely to be expected, I said, that I could yet have received information from my Government relative to the measure, and although, in fact, nothing had reached me, I was nevertheless abundantly confident that it had originated in no unfriendly motive or feeling. * * Above all, I subjoined, that the use of force, as a means of re-establishing our previous domain, had in no wise coupled itself with the intentions that were formed. These assurances, I thought, appeared to go some length towards placing the transaction in its innocent and justifiable light. Given as they were, frankly, I hope that what I said may be found to meet the President's approbation. I felt all the extravagance of the supposition that there had been any deviation, on the part of the Government, in this instance, from its wanted respect to the rights of other nations. Lord Castlereigh did not, in any way, unfold the nature of the British claims.

Mr. Adams' Reply.

DEPARTMENT OF STATE, WASHINGTON, May 20, 1818.

* * * This accession is understood to be absolute and unconditional, but accompanied with the suggestion of a wish on the part of the British cabinet to try, as a previous measure, the experiment adopted for the adjustment of other questions between the two countries, of submitting the case to the decision of com-

missioners mutually chosen by the two parties; submitting at the same time to the same, or other commissioners appointed in like manner, the ascertainment and demarkation of a boundary line from the northwest corner of the Lake of the Woods, westward; and the right and title of the United States to a settlement at the mouth of the Columbia river on the Pacific ocean. * * As soon as the President shall have come to a determination concerning it, the result will be immediately communicated to you. In the meantime, it may be proper that you should assure Lord Castlereigh that it was entirely owing to accident, and to the communications which had previously passed between the late Secretary of State and Mr. Baker, concerning the restitution of the post at the mouth of the Columbia river, that the *Ontario* was dispatched for the purpose of resuming our possession there, without giving notice of the expedition to Mr. Bagot and to his Government. Copies of these communications are herewith enclosed, from which it was concluded that no authorized English establishment existed at that place; and as they intimated, no question whatever of the title of the United States to the settlement which existed there before the late war, it did not occur that any such question had since arisen which could make it an object of interest to Great Britain. You are authorized to add, that notice of the departure of the *Ontario*, and of the object of her voyage would nevertheless have been given, but that the expedition was determined, and the vessel dispatched, during the President's absence from the seat of Government last season.

These explanations have already been given to Mr. Bagot, who has expressed himself entirely satisfied with them, and his conviction that they will be equally satisfactory to his Government. As it was not anticipated that any disposition existed in the British Government to start questions of title with us on the borders of the South sea, we could have no possible motive for reserve or concealment with regard to the expedition of the *Ontario*. In suggesting these ideas to Lord Castlereigh, rather in conversation than in any more formal manner, it may be proper to remark the minuteness of the present interests, either of Great Britain, or to the United States, involved in this concern; and the unwillingness, for that reason, of this Government to include it among the objects of serious discussion with them. At the same time you might give him to understand, though not unless in a manner to avoid everything offensive in the suggestion, that, from the nature of things, if in the course of future events it should ever *become* an object of serious importance to the United States, it can scarcely be supposed that Great Britain would find it useful or advisable to resist their claim to possession by systematic opposition. If the United States leave her in undisturbed enjoyment of all her holds upon Europe, Asia and Africa, with all her actual possessions in this hemisphere, we may fairly expect that she will not think it consistent either with a wise, or friendly policy to watch with eyes of jealousy and alarm every possibility of extension to our natural dominion in North America, which she can have no solid interest to prevent, until all possibility of her preventing it shall have vanished.

Mr. Rush to Mr. Adams.

LONDON, July 25, 1818.

* * I began the conversation by affording the explanation embraced in your dispatch, respecting the *Ontario's* voyage to the mouth of the Columbia. In the course of them, I particularly dwelt, according to your instruction, upon the correspondence which took place between the Secretary of State and Mr. Baker soon after the peace, in which the latter never made a question as to the valid title,

of the United States, or intimated the existence of any authorized establishment at that port, on the part of Great Britain before the war. His lordship said nothing in reply, though it appeared to me that the explanation was satisfactory to him, removing as it does all grounds of complaint.

J. B. Prevost, U. S. Commercial Agent to Secretary of State.

MONTE REY, NEW CALIFORNIA, Nov. 11, 1818.

SIR: In conformity with mine of 27th July, which I had the honor to address to your Department from Lima, I proceeded in His Britannic Majesty's sloop of war *Blossom* to the mouth of the Columbia, and entered the river on the 1st of October following. A few days thereafter, to-wit, on the 6th, as you will perceive by referring to a copy of the act of surrender, (marked A.) I received in the name and on the part of the United States, the possession of the establishment at Fort George, made under the first article of the treaty of Ghent, by Captain Hickey, of the royal navy, in compliance with the orders of the Prince Regent for that purpose, signified to him through the medium of Earl Bathurst. The British flag was thereupon lowered, and that of the United States hoisted in its stead, where it now waves in token both of possession and sovereignty.

The establishment, has been considerably extended and improved by the agents of the Northwest Company of Canada, who will continue to occupy and protect it under our flag, until it shall please the President to give orders for their removal. I will, however, suggest that, when this disposition shall take place, time ought to be granted in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount. Shortly after the ceremony and surrender, I received a note (No. 1,) on this subject from Mr. Keith, the gentleman whose signature accompanies that of Capt. Hickey, which together with a copy of my answer, (No. 2,) is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the *Ontario*. It appeared to me prudent in this view, to take notice of the suggestion relative to a discussion of boundary, and, in answering, to avoid any intimation of immediate or of future removal, or either might have induced him to form a settlement elsewhere on the river, and thus give rise to collisions between the two Governments which may now be wholly avoided.

The bay is spacious, contains several anchoring places in a sufficient depth of water, and is by no means so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression so favorable to its continuance, growing out of the incomplete survey of Lieut. Broughton, made under the orders of Vancouver, in 1792. It is true that there is a bar extending across the mouth of the river, at either extremity of which are, at times, appauling breakers; but it is equally true that it offers, at the lowest tides, a depth of twenty-one feet of water throughout a passage exempt from them of nearly a league in width. The *Blossom*, carrying more guns than the *Ontario*, encountering a change of wind while in the channel, was compelled to let go anchor, and, when again weighed, to tack and beat in order to reach the harbor, yet found a greater depth, and met no difficulty either then or on leaving the bay. The survey marked C[1] may be relied on for its accuracy. The bearings, distances, and soundings were taken by Captain Hickey, who was kind enough to lend himself to the examination, and furnish me with the result. It is the more interesting as it shows that with the aid of buoys, the access to vessels of almost any tonnage, may be renderd secure. In addition to this, it is susceptible of entire defence, because a ship after passing the bar, in order to avoid the breaking of the sea, on one of the banks, is obliged to bear up directly for the knoll forming the cape, at all times, to approach within a short distance of its base, and most frequently then to anchor. Thus a small battery erected on this point, in conjunction with the surges on the opposite side would so endanger the approach as to deter an enemy, however hardy from the attempt.

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[1] Omitted.

This outlet, the only one between the thirty-eight and fifty-third degrees of latitude, embraces the entire range of country from the ocean to the mountains, and its interior unites the advantage of a water cummunication throughout by means of the many streams tributary to the Columbia; two of which disembogue opposite to each other, within twenty-five leagues of the post, one navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with the otter (*mustela*,) the seal, and the whale; while the main land affords, in innumerable quantities the common otter, (*musk*,) the bear, the buffalo, and the whole variety of deer.

It has been observed by those exploring this coast that the climate to the southward of 53° assumes a mildness unknown in the same latitude on the eastern side of the continent. Without digressing to speculate upon the cause, I will merely state that such is particularly the fact in 46° 16′, the site of Fort George. The mercury during the winter seldom descends below freezing point; when it does so, it is rarely stationary for any number of days, and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence in November, and continue to fall partially until the latter end of March or the beginning of April. A benign spring succeeds; and when the summers heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and during a fortnight's stay, experienced no change of weather to retard its course. The soil is good; all the cereal, gramina, and tuberous plants may be cultivated with advantage, and the waters abound in salmon, sturgeon and other fish.

The natives in appearance as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less adicted to cruelties in war; scalping is unknown to them, and a prisoner suffers the infliction of no other punishment than that of becoming a slave to the captor; but as they neither sow or reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and the spear, while those of the other require the same efforts and equal skill for their gratification.

The language on the side of the falls bears a strong analogy to that of Nootka, so much so, that, with the aid of a Spanish vocabulary of the latter, accompanying the voyage of Voldes, I could, notwithstanding the imperfection in this mode of conveying and obtaining sounds, express my wants and be perfectly understood. I met with several of the natives who had heretofore volunteered on board of some one of our vessels in their fur excursions, two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the fur gathered on the Columbia; it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter taken on the coast and shipped to China, of which he assigns five-sixths to the Americans; he may be correct in the quantity, but I doubt whether the proportion be quite so great, as it frequently happens that the English adventurers confide his stock to our countrymen in order to participate in the benefits of a market, from a direct intercourse with which he is excluded by the laws of his country.

* * I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this station. The speculations of Humboldt, his glowing description of the soil and climate of this province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of empire in America. Until 1816, the settlements of this Power did not reach to the southward of 55°,[1] and were of no consideration, although dignified by them with the title of Russian-America. In the commencement of that year, two distinct establishments were made, of a different and more imposing character; the first at Atooi, one of the Sandwich islands; the other in this vicinity, within a few leagues of San Francisco, the most northerly possession of Spain, in 37° 56′. The sketch I subjoin, marked D[2] was procured from a member of the Government at this place; from whom I also learned that its augmentation has since become so considerable as to excite serious alarm. Two Russian ships left this port on their way thither a few days anterior to our arrival; one having on board mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it to distinguish the coast with some precision, and ascertain that it was an open road—a circumstance that renders the position liable to many objections, if intended to be permanent; in other respects, the choice is judicious for an infant colony. It enjoys a climate still milder than that of Columbia, is environed by a beautiful country, and its proximity to an old settlement enables the Russians to partake of the numerous herds of black cattle and horses that have been multiplying for the last fifty years. The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused and disaffected population. Under all these circumstances, may we not infer views to the early possession of this harbor, and ultimately to the sovereignty of entire California? Surely the growth of a race on these shores, scarcely emerging from the savage state, guided by a chief who seeks not to emancipate, but to enthrall, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States, so far at least, as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

I have not been able to gather other information respecting the settlement at Atooi than that of an assurance of its existence—a fact corroborated by the visit of two ships to those islands in their route hither. The Russians are not yet such enterprising navigators as to augment sea risks by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the settlement, as they had sailed from Lima abundantly supplied a few weeks prior to my visit to that city in April last.

These islands yield the sandal wood, so much esteemed in China, and have been resorted to by our vessels for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the crew during their cruise on the northwest coast. How far this intercourse may be affected by this encroachment, is also a subject for the consideration of the President.

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[1] Chart of the discoveries of Russian navigators, published by order of the Emperor in 1802; referred to by Humboldt, in his view of New Spain; translated p. 270. vol. 2. (Note).

[2] Omitted.

I take the liberty to enclose a note marked E, of the authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1792. Its subsequent occupation in 1811, by which the soverignty of the United States was completed, to the exclusion of any European claimant, is a fact of which the surrender of the sole establishment on the river is conclusive evidence. I have the honor, &c.

J. B. PREVOST..

A.

Act of surrender and acknowledgement.

In obedience to the commands of His Royal Highness the Prince Regent, signified in a dispatch from the right honorable Earl Bathurst, addressed to the partners of the Northwest Company, bearing date 27th January, 1818, and in obedience to subsequent orders, dated 26th July last, from Wm. H. Sheriff, Esquire, Captain of His Majesty's ship *Andromache*, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. B. Prevost, Esquire, the settlement of Fort George on the river Columbia.

Given under our hands, in triplicate, at Fort George, Columbia river, this 6th of October, 1818.

F. HICKEY,
Captain of His Majesty's ship Blossom.
JAMES KEITH,
Of the Northwest Company.

I do hereby acknowledge to have this day received, on behalf of the Government of the United States, the possession of the settlement designated above, in conformity to the first article of the treaty of Ghent.

Given under my hand in triplicate, at Fort George, Columbia river, this 6th of October, 1818.

J. B. PREVOST,
Agent for the United States.

No. 1.

Mr. Keith to Mr. Prevost.

FORT GEORGE, *Columbia River, Oct. 6, 1818.*

SIR :—Now that the restitution and the settlement have been made, and that the Northwest Company are still allowed to occupy it in the prosecution of their commercial pursuits, permit me to submit to you the following important queries, to which I request a candid and implicit reply: Whether or not you feel authorized, on behalf of the United States, to tender me any assistance, or to afford any security, that no abandonment or relinquishment of said settlement will be claimed by your Government in favor of any of its subjects, to the ejectment and exclusion of said Northwest Company, prior to the final decision of the right of sovereignty being confirmed to the United States, may the Northwest Company implicitly rely on the justice and equity of your Government, that adequate allowance will be made for any extension or amelioration of aforesaid settlement, or of the trade dependent thereon, of which circumstances may from time to time suggest the propriety? I have the honor, &c.,

J. B. PREVOST, ESQ.

JAMES KEITH,
Acting for self and Northwest Company.

No. 2.

FORT GEORGE, *Columbia River, Oct. 6, 1818.*

SIR:—In answer to your note of this morning, I have the honor to state that the principal object of the President in sending me thus far was to obtain such information of the place, of its access, and of its commercial importance, as it might enable him to submit to the consideration of Congress measures for the protection and extension of the establishment. From hence you will perceive that, until the sense of the Government may be taken upon my report, any assurance, I might offer to meet the wishes expressed by you would be as unauthorized as unavailing. I, however, sir, have no hesitation in saying that, should it hereafter comport with the views of the nation to foster the settlement, any claim of the Northwest Company, justified by the usages of nations, will be liquidated with great liberality; and that, should its policy induce a system of exclusion, it will never extend to your removal without sufficient notice to prevent loss and injury to the company.

I cannot take my leave, sir, without expressing my approbation of the manner in which an establishment so precarious has been managed, nor without offering a hope that the same judicious course may be pursued under the change of flag for its success, until the pleasure of the President can be known.

JAMES KEITH, &c. J. B. PREVOST.

E.

Notes and Authorities.

Relacion del Viore Heclo por los Goletos Sutie y Mexicana, in 1792, published in 1802, page 157.

Introduction to same, page 95.

Chart accompanying the work, in which the mouth of the Columbia is stated only as an entrance "SEEN" by Heceta and Quadra, to whom the discovery is ascribed. Manrelle, the pilot, published an account of the voyage. This work has been translated by Barrington, and is referred to in the instructions to La Perouse.

Vancouver, 1st vol. quarto edition, 210, 214, 215.

2d vol. 74, observations incorporated with the report of Lt. Broughton Mears, who also perceived indent, but could discover no entrance, and examined the northern point "Disappointment" which it still leaves.

RUSSIAN AND AMERICAN CONTROVERSY.

The Chevalier de Poletica to the Secretary of State.

WASHINGTON, *Jan. 30, [February 11.] 1822.*

The undersigned Envoy Extraordinary and Minister Plenipotentiary, of His Majesty the Emperor of all the Russias, in consequence of orders which have lately reached him, hastens herewith to transmit to Mr. Adams, the Secretary of State, a printed copy of the regulations adopted by the Russian-American Company, and sanctioned by His Imperial Majesty, relative to foreign commerce in the waters bordering the establishments of the said company on the northwest coast of America.

The undersigned conceives it to be, moreover, his duty to inform Mr. Adams that the Imperial Government, in adopting the regulations, supposes that a foreign ship, which shall have sailed from a European port after the 1st of March, 1822, or from one of the ports of the United States after the first of July of the same year, cannot lawfully pretend ignorance of these new measures.

The undersigned &c.,

PIERRE DE POLETICA.

Rules established for the limits of navigation and order of communication * * the northwest coast of America.

SECTION 1. The pursuits of commerce, whaling, and fishery, and of all other industry, on all islands, ports, and gulfs, including the whole of the northwest coast of America, beginning from Behring's straits to the 51st degree of north latitude, also from the Aleutian islands to the eastern coast of Siberia, as well as along the Kenile islands from Behring's straits to the south cape of the island of Ump, viz: to 45° 50′ northern latitude, are exclusively granted to Russian subjects.

SEC. 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than a hundred Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo.

SEC. 14. It is likewise interdicted to foreign ships to carry on any traffic or barter with the natives of the islands and of the northwest coast of America, in the whole extent hereabove mentioned. A ship convicted of this trade shall be confiscated. (60 other sections.)

The Secretary of State to Mr. Poletica.

DEPARTMENT OF STATE, *Washington, Feb. 25, 1822.*

SIR: * * I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting all commercial vessels other than Russia, upon the penalty of seizure is made to apply. The relations of the United States with His Imperial Majesty's have always been of the most friendly character, and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shores beyond the ordinary distances to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of our citizens, that I am instructed to inquire whether you are authorized to give explanation of the grounds of right upon the principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.

I assure you of my distinguished consideration.

JOHN QUINCY ADAMS.

The Chevalier de Poletica to the Secretary of State.

WASHINGTON, *Feb. 28, 1822.*

SIR — * * Readily yielding, sir, to the desire expressed by you in your letter of knowing the rights and principles upon which are founded the determinate limits of the Russian possessions on the northwest coast of America, from Behring's strait to the fifty-first degree of north latitude, I am happy to fulfill this task by only calling your attention to the following historical facts, the authenticity of which cannot be contested.

The first discoveries of the Russians on the northwest continent of America go back to the time of the Emperor Peter I. They belong to the attempt made towards the end of the reign of this great monarch to find a passage from the Icy sea into the Pacific ocean.

In 1728 the celebrated Captain Behring made his first voyage. The recital of his discoveries attracted the attention of the Government, and the Empress Anne intrusted to Captain Behring (1741) a new expedition in these same latitudes. She sent with him the academicians *Gemelin*, *Delile dela Crayere*, *Muller*, *Steller*, *Fisher*, *Krosilnicoff*, *Kraecheninicoff*, and others; and the first chart of these countries which is known, was the result of their labors, published in 1758. Besides the strait which bears the name of the chief of this expedition, he discovered the great part of the islands which are found between the two continents: Cape or Mount St. Elias, which still bears this name upon all charts, was so called by Captain Behring, who discovered it on the day of the feast of this saint; and his second, Captain Tchiricoff, pushed his discoveries as far as the fifty-ninth degree of north latitude.

The first private expeditions undertaken upon the northwest coast of America go back as far as the year 1743.

In 1763, the Russian establishments had already extended as far as the island of Kodiak (or Kichtak). In 1778, Cook found them at Ounalaska, and some Russian inscriptions at Kodiak. Vancouver saw the Russians' establishment in the bay of Kinai. In fine, Captains Mears, Porttuck and La Perouse unanimously attest the existence of Russian establishments in these latitudes.

If the Imperial Government had at the time published the discoveries made by the Russian navigators after Behring and Tchiricoff (viz., Chiveliloff and others) no one could refuse to Russia the right of first discovery, nor could even any one deny her that of first occupation.

Moreover, when D. Jose Martinez was sent, in 1789, by the court of Madrid, to form an establishment in Vancouver's island, and to remove foreigners from there under the pretext that all that coast belonged to Spain, he gave not the least disturbance to the Russian colonies and navigators; yet the Spanish Government was not ignorant of their existence, for this very Martinez had visited them the year before. The report which Captain Malespina made of the results of his voyage proves that the Spaniards very well knew of the Russian colonies, and in this very report, it is seen that the court of Madrid acknowledged that its possessions upon the coast of the Pacific ocean ought not to extend to the north of Cape Blanc, taken from the point of Trinity, situated under 42° 51′ of north latitude.

When, in 1799, the Emperor Paul I. granted to the present American Company its first charter, he gave it the exclusive possession of the northwest coast of America which belonged to Russia from the fifty-fifth degree of north latitude to Behring's strait. He permitted them to extend their discoveries to the south, and there to form establishments, provided they did not encroach upon the territory occupied by other powers.

This act, when made public, excited no claim on the part of other cabinets, not even on that of Madrid, which confirms that it did not extend its pretensions to the sixtieth degree.

When the Government of the United States treated with Spain for the cession of a part of the northwest coast, it was able to acquire, by the treaty of Washington, the right of all that belonged to the Spaniards north of the forty-second degree of latitude; but this treaty says nothing positively concerning the northern boundary of this cession, because, in fact, Spain well knew that she could not say that the coast as far as the sixtieth degree belonged to her.

From this faithful exposition of known facts, it is easy, sir, as it appears to me, to draw the conclusion that the rights of Russia to the extent of the northwest coast, specified in the regulations of the Russian-American Company, rests upon the three bases required by the general law of nations and immemorial usage among nations—that is, upon the title of first discovery; upon the title of first occupation; and, in the last place, upon that which results from a peaceable and uncontested possession of more than half a century—an epoch, consequently, several years anterior to that when the United States took their place among the independent nations.

It is, moreover, evident, that if the right of the possessions of a certain extent of the northwest coast of America, claimed by the United States, only devolved upon them in virtue of the treaty of Washington, the 22d of February, 1819 (I believe it would be difficult to make good any other title), this treaty could not confer upon the same coast, because Spain herself had never pretended to similar rights.

The Imperial Government, in assigning for limits to the Russian possessions on the northwest coast of America, on the one side of Behring's strait, and on the other the fifty-first degree of north latitude, has only made a moderate use of an incontestable right; since the Russian navigators, who were first to explore that part of the American continent, in 1741, pushed their discoveries as far as the fifty-ninth degree of north latitude. The fifty-first degree therefore, is no more than a mean point between the Russian establishment of New Archangel, situated under the fifty-seventh degree, and the American colony at the mouth of the Columbia, which is found under the forty-sixth degree of the same latitude.

All these considerations united have concurred in inspiring the Imperial Government with the entire conviction that, in the last arrangements adopted in Russia relative to her possessions on the northwest coast, the legitimate right of no foreign Power has been infringed. In this conviction, the Emperor, my august sovereign, has judged that his good right, and the obligation imposed by Providence upon him to protect with all his power the interests of his subjects, sufficiently justified the measure last taken by His Imperial Majesty in favor of the Russian-American Company, without it being necessary to clothe them with the sanction of treaties.

I shall be more succinct, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least one hundred miles. This measure, however severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade very prejudicial to the rights reserved entirely to the Russian-American Company, taken upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise in every manner to resistance and revolt against the authorities there established.

The American Government doubtless recollects that the irregular conduct of these adventurers, the majority of whom are composed of American citizens, has been the object of most pressing remonstrances on the part of Russia to the Federal Government from the time that diplomatic missions were organized between the two countries. These remonstrances, repeated at different times, remain constantly without effect, and the inconveniences to which they ought to bring a remedy continue to increase.

The Imperial Government, respecting the intention of the American Government, has always abstained from attributing the ill success of its remonstrances to any other motives than those which flow (if I may be allowed to the expression) from the very nature of the institutions which govern the national affairs of the American federation. But the high opinion which the Emperor has always entertained of the rectitude of the American Government, cannot exempt from the care with his sense of justice towards his own subjects imposes upon him. Pacific means not having brought any alleviation to the just grievances of the Russian-American Company against foreign navigators in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigor according to the inveterate character of the evil to which it wished to put a stop. Yet it is easy to discover, on examining closely the last regulation of the Russian-American Company, that no spirit of hostility had anything to do with its formation. The most minute precautions have been taken in it to prevent abuses of authority on the part of commanders of Russian cruisers appointed for the execution of said regulations. * * *

I ought, in the last place, to request you to consider, sir, that the Russian possessions on the Pacific ocean extend, on the northwest coast of America, from Behring's strait to the fifty-first degree of north latitude, and on the opposite side of Asia, and the islands adjacent, from the same strait to the forty-fifth degree. The extent of sea, of which these possessions form the limits, comprehend all the conditions which are ordinarily attached to *shut seas*, (*mers fermeis*,) and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. * *

I have the honor, etc., PIERRE DE POLETICA.

The Secretary of State to Mr. Poletica.

DEPARTMENT OF STATE, *Washington, March 30, 1822.*

SIR:—I have the honor of receiving your letter of 28th ult., which has been submitted to the consideration of the President.

From the deduction which it contains of the grounds upon which articles of regulations of the Russian-American Company have now, for the first time, extended the claim of Russia on the northwest coast of America to the fifty-first degree of north latitude, its only foundation appears to be a small settlement of Novo Archangelsk, situated, not on the American continent, but upon a small island in latitude 57°; and the principle upon which you state that this claim is now advanced is, that the fifty-first degree is equidistant from that settlement of Novo Archangelsk and the establishment of the United States at the mouth of Columbia river. But from the same statement, it appears that, in the year 1799, the limits prescribed by the Emperor Paul to the Russian-American Company were fixed at the fifty-fifth degree of latitude, and that, in assuming now the latitude 51°, a new pretension is asserted, to which no settlement made since the year 1799 has given the color of sanction.

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within one hundred Italian miles of the coast. From the period of the existence of the United States as an independent nation, their vessels have freely navigated the seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have justified the exercise of sovereignty over the Pacific ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than ninety degrees of longitude, or four thousand miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aborignal natives of the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas. That right has never been exercised in a spirit unfriendly to Russia; and although general complaints have occasionally been made on the subject of this commerce by some of your predecessors, no specific ground of charges has ever been alleged by them of any transaction in it which the United States were, by the ordinary laws and usages of nations, bound either to restrain or punish. Had any such charge been made, it would have received the most pointed attention of this Government, with the sincerest and firmest disposition to perform every act and obligation of justice to yours which could have been required. I am commanded by the President of the United States to assure you that this disposition will continue to be entertained together with the earnest desire that the most harmonious relations between the two countries may be preserved.

Relying on the assurance in your note of similar dispositions reciprocally entertained by His Imperial Majesty toward the United States, the President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effort will be given to an interdiction manifestly incompatible with their rights. I am &c.,

JOHN QUINCY ADAMS.

Extract from Chevalier de Poletica to Secretary of State.

WASHINGTON, *March 21*, [*April 2*] *1822*.

SIR:—In the first official letter which I had the honor of addressing to you, I thought I had succeeded in clearly demonstrating that the rights of Russia to the possession of a certain extent of the northwest coast of America, as far as these rights can be rendered legitimate by the first dicovery, the first occupation, and a possession not contested for more than half a century—that these rights, I say, go back to times considerably earlier than the reign of the Emperior Paul I.

When this soverign granted, in 1799, to the Russian-American Company its first charter of incorporation, there had never been a question about abandoning to that company the right of sovereignty over one determinate portion of the northwest coast of America in all its plentitude. The question was purely and simply of conceding to the said company a part of the sovereignty, or rather certain exclusive privileges of commerce, and it is in this view that the act of 1799, to which you refer, fixed the limits of the operations of the Russian-American Company.

* * * That these rights extended, in the opinion of the Imperial Government, further south than the fifty-first degree of latitude, appears evident from the structure of the third article of the act of incorporation, which authorized the company to form establishments south of the fifty-first degree of north latitude.

But what will dispel even the shadow of doubt in this regard is the authentic fact that, in 1789, the Spanish packet *St. Charles*, commanded by Captain Han, found in the latitude 48° and 49°, Russian establishments to the number of eight, consisting, in the whole of twenty families, and four hundred and sixty-two individuals. These were the descendants of the companions of Captain Tchiricoff, who was supposed till then to have perished. With such titles justifying the rights claimed by Russia, sir, will agree that it is perfectly immaterial whether the Russian establishment at Novo Archangelsk be small or large. If the rights of territorial possession were measured according to dimensions of the points occupied, what would become of those of the United States upon a considerable extent of the same northwest coast? for the only American establishment ever yet known is certainly very inferior in stability to that of Russia at Novo Archangelsk. * *

As to the right claimed for the citizens of the United States of trading with the natives of the country of the northwest coast of America, without the limits of the jurisdiction belonging to Russia, the Imperial Government will not certainly think of limiting it, and still less of attacking it there. But I cannot dissemble, sir, that this same trade beyond the fifty-first degree will meet with difficulties and inconveniences, for which the American owners will only have to accuse their own imprudence after the publicity which has been given to the measures taken by the Imperial Government for maintaining the rights of the Russian-American Company in their absolute integrity. * *

Be pleased to accept, &c.

PIERRE DE POLETICA.

Convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington, June 15, 1846.

The United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable, for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement; that is to say, the President of the United States of America has on his part furnished with full powers James Buchanan, Secretary of State, of the United States; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has on her part appointed the right honorable Richard Pakenham, a member of Her Majesty's most honorable privy council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE 1. From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific ocean: *Provided, however*, That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ART. 2. From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this Article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

ART. 3. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first Article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ART. 4. The farms, lands, and other property of every description, belonging to the Puget Sound Agricultural Company, on the north side of the Columbia river, shall be conferred to the said company. In case, however, the situation of these farms and lands should be considered by the United States to be of public or political importance, and the United States Government should signify a desire to obtain possession of the whole or in part thereof, the property so required shall be transferred to the said Government, at a proper valuation to be agreed upon between the parties.

ART. 5. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratification shall be exchanged at London at the expiration of six months from the date thereof or sooner if possible.

Done at Washington the fifteenth day of June, in the year of our Lord, one thousand eight hundred and forty-six.

(Signed) [L. S.] JAMES BUCHANAN.
(Signed) [L. S.[RICHARD PAKENHAM.

The following are inserted at this place instead of consecutive date for the reason that there was no mention made in regard to the subjects. These were what might be termed private laws, and were not mentioned in any of the treaty conventions, and it was not supposed that they were to be extended to the territory in joint occupancy, but really only occupied by one of the parties, and that party claimed the extension over Oregon. They will be read, I have no doubt with interest, and show the power conferred upon the Northwest Company of Montreal and the Hudson's Bay Company, and of their consolidation to the latter named company.

Cap. CXXXVIII.—An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offenses within certain parts of North America, adjoining to the said Provinces [*11th August, 1803*].

"WHEREAS crimes and offenses have been committed in the *Indian* territories and other parts of *America*, not within the limits of the provinces of *Lower* and *Upper Canada*, or either of them, or of the jurisdiction of any of the courts established in these provinces, or within the limits of any civil Government of the United States of *America*, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offenses have gone, and may hereafter go unpunished, and greatly increase." For remedy whereof, may it please your Majesty that it may be enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passage of this Act, all offenses committed within any of the *Indian* territories or parts of *America* not within the limits of either of the said provinces of *Lower* or *Upper Canada*, or of any civil Government of the United States of America, shall be, and be deemed to be, offenses of the same nature, and shall be tried in the same manner and subject to the same punishment as if the same had been committed within the provinces of *Upper* or *Lower Canada*.

II. *And be it further enacted*, That it shall be lawful for the Governor or Lieutenant Governor, or persons administering the Government for the time being of the province of *Lower Canada*, by commission under his hand and seal, to authorize and empower any person or persons wheresoever resident or being at the time, to act as civil magistrates and justices of the peace for any of the *Indian* territories or parts of *America* not within the limits of either of the said provinces, or of any civil Government of the United States of *America*, as well as within the limits of either of the said provinces, either upon information taken or given within the said provinces of *Lower* or *Upper Canada*, or out of the said provinces in any part of the *Indian* territories or parts of *America* aforesaid, for the purpose only of hearing crimes and offenses, and committing any person or persons guilty of any crime or offense to safe custody, in order to his or their being conveyed to the said province of *Lower Canada*, to be dealt with according to law; and it shall be lawful for any person or persons whatever to apprehend and take before any person so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient speed to the province of *Lawer Canada*, any person or persons guilty of any crime or offense, there to be delivered into safe custody for the purpose of being dealt with according to law.

III. *And be it further enacted*, That every such offender may and shall be prosecuted and tried in the courts of the provinces of *Lower Canada* (or if the Governor or Lieutenant Governor, or person administering the Government for the time being, shall, from any of the circumstances of the crime or offense, or the local situation of any of the witnesses for the prosecution or defense, think that justice may more conveniently be administered in relation to such crime or offense in the province of *Upper Canada*, and shall by any instrument under the great seal of the province of *Lower Canada*, declare the same, then that every such offender may and shall be prosecuted and tried in the court of the province of *Upper Canada*,) in which crimes or offenses of the like nature are usually tried, and where the same would have been tried if such crime or offense had been commited within the limits of the province where the same shall be tried under this act; and every offender, tried and convicted under this act, shall be liable and subject to such punishment as may by any law in force in the province where he or she shall be tried be inflicted for such crime or offense; and such crime or offense may and shall be laid and charged to have been committed within the jurisdiction of such court, and such court may and shall proceed therein to trial, judgment and execution, or other punishment for such crime or offense, in the same manner in every respect as if such crime or offense had been really committed within the jurisdiction of such court; and it shall also be lawful for the judges and other officers of the said courts to issue subpœnas and other processes for enforcing the attendance of witnesses on any such trial; and such subpœnas and other processes shall be valid and effectual, and be in full force and put in execution in any ports of the *Indian* territories, or other ports of *America* out of and not within the limits of the civil Government of the United States of *America*, as well as within the limits of either of the said provinces of *Lower* or *Upper Canada*, in relation to the trial of any crimes or offenses by this act made cognizable in such court, or to the more speedily and effectually bringing any offender or offenders to justice under this act, as fully and amply as any subpœnas or other processes are, within the limits of the jurisdiction of the court from which any such subpœnas or processes shall issue as aforesaid; any act or acts, law or laws, custom, usage, matter or thing to the contrary notwithstanding.

IV. *Provided always, and be it further enacted*, That if any crime or offense charged and prosecuted under this act, shall be proved to have been committed by any person or persons not being a subject or subjects of his Majesty, and also within the limits of any colony, settlement or territory belonging to any *European* State, the court before which such prosecution shall be had, shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge.

V. *Provided, nevertheless*, That it shall and may be lawful for such court to proceed in the trial of any other person, being a subject or subjects of His Majesty, who shall be charged with the same or any other offense, notwithstanding such offense shall appear to have been committed within the limits of any colony, settlement or territory belonging to any *European* State as aforesaid. [*Extended to the Hudson's Bay Company, see 1st and 2nd G. IV, c 66.*

ORGANIZATION OF THE OREGON TERRITORY.

THE BRITISH OREGON LAW.

The following act of the British Parliament was passed the 2nd day of July, in the year 1821, entiled "An act for regulating the fur trade, and establishing a civil and criminal jurisdiction in certain parts of North America."

AN ACT for regulating the fur trade, and establishing a criminal and civil jurisdiction, within certain parts of North America.

"WHEREAS, the competition in the fur trade between the Governor and Company of Adventurers of England trading into Hudson's Bay, and certain associations of persons trading under the name of "The North West Company of Montreal,' has been found, for some years past, to be productive of great inconvenience and loss, not only to the said company and associations, but to the said trade in general, and also of great injury to the native Indians, and of other persons, subjects of His Majesty; And whereas, the animosities and feuds, arising from such competition have also for some years past kept the interior of America, to the northward and westward of the provinces of Upper and Lower Canada, and the territories of the United States of America, in a state of continued disturbance; And whereas, many breaches of the peace and violence extending to the loss of lives, and considerable destruction of property, have continually occurred therein; And whereas, for remedy of such evils, it is expedient and necessary that some more effectual regulations should be established for the apprehending, securing and bringing to justice all persons committing such offences, and that His Majesty should be empowered to regulate the said trade; And whereas, doubts have been entertained, whether the provisions of an act passed in the forty-third year of the reign of his late Majesty King George the Third, entitled 'An act, for extending the jurisdiction of the courts of justice in the provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America, adjoining to the said provinces, extending to the territories granted by charter to the said Governor and Company;' and it is expedient that such doubts should be removed, and that the said act should be further extended:

Be it therefore enacted by the King's most excellant Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passage of this act, it shall be lawful for His Majesty, his heirs or successors, to make grants or give his royal license, under the hand and seal of one of His Majesty's principal Secretaries of State, to anybody, corporate, or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all parts of North America as shall be specified in any such grants or licenses respectively, not being part of the lands or territories heretofore granted to the said Governor and Company and adventurers of England trading to Hudson's Bay, and not being part of any of His Majesty's provinces in North America, or of any lands or territories belonging to the United States of America; and all such grants and licenses shall be good, valid and effectual for the purpose of securing to all such bodies of corporate, or companies, or persons, the sole and exclusive privilege of trading with the Indians in all such parts of North America, (except as hereinafter excepted) as shall be specified in such grants or licenses; anything contained in any act or acts of Parliament, or any law to the contrary, notwithstanding.

II. *Provided always, and be it further enacted,* That no such grant or license, made or given by His Majesty, his heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid, shall be made or given for any longer period than twenty-one years; and no rent shall be required or demanded for or in respect of any such grant or license, or any privileges given thereby under the provisions of this act, for the first period of twenty-one years; and from and after the expiration of such first period of twenty-one years, it shall be lawful for His Majesty, his heirs or successors, to reserve such rents in any future grants or licenses to be made to the same or any other parties, as shall be deemed just and reasonable, with security for the payment thereof; and such rents shall be deemed part of the land revenues of His Majesty, his heirs, and successors, and be applied and accounted for as the other land revenues of His Majesty, his heirs or successors, shall, at the time of payment of any such rent being made, be applied and accounted for.

III. *And be it further enacted*, That from and after the passing of this act, the Governor and Company of Adventurers trading at Hudson's Bay, and everybody corporate and company, and person, to whom such grant or license shall be made or given, as aforesaid, shall respectively keep accurate registers of all persons in their employ in any part of North America, and shall, once in each year, return to His Majesty's Secretaries of State accurate duplicates of such registers, and shall also enter into such security as shall be required by His Majesty for the due execution of all processes, criminal and civil, as well within the territories included in any such grant, as within those granted by charter to the Governor and Company of Adventurers trading to Hudson's Bay, and for the producing or delivering into safe custody, for purpose of trial, of all persons in their employ or acting under their authority, who shall be charged with any criminal offense, and also for the due and faithful observance of all such rules, regulations and stipulations as shall be contained in any such grant or license, either for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral or religious improvement, or for any other object which His Majesty may deem necessary for the remedy or prevention of the other evils which have hitherto been found to exist.

IV. And whereas, by a convention entered into between His Majesty and the United States of America, it was stipulated and agreed, that any country on the northwest coast of America, to the westward of the Stony mountains, should be free and open to the citizens and subjects of the two Powers, for the term of ten years from the date of the signature of that convention. *Be it therefore enacted*, That nothing in this act contained shall be deemed or construed to authorize anybody corporate, company or person, to whom His Majesty may have, under the provisions of this act, made a grant or given a license of exclusive trade with the Indians in such parts of North America, as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of said United States of America, who may be engaged in the said trade: *Provided always*, That no British subject shall trade with the Indians within such limits without such grant or license as is by this act required.

V. *And be it declared and enacted*, That the said act passed in the forty-third year of the reign of his late Majesty, entitled an act for extending the jurisdiction of the courts of justices in the provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offenses within certain parts of North America adjoining to the said provinces, and all the clauses and provisos therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the territories heretofore granted to the Company of Adventurers of England trading to Hudson's Bay; anything in any act or acts of Parliament, or this act, or in any grant or charter to the company, to the contrary notwithstanding.

VI. *And be it further enacted*, That from and after the passage of this act, the courts of judication now existing, or which may be hereafter established in the province of Upper Canada, shall have the same civil jurisdiction, power and authority, as well in the cognizance of suits, as in the issuing process, mesne and final, and in all other respects whatsoever, within the said Indian territories, and other parts of America not within the limits of either of the provinces of Lower or Upper Canada, or of any civil Government of the United States, as the said courts have or are invested with, within the limits of the said provinces of Lower or Upper Canada, respectively; and that all and every contract, agreement, debt, liability and demand whatsoever, made, entered into, incurred, or arising within the said Indian territories and other parts of America; and all and every wrong and injury to the person or to property, real or personal, committed or done within the same, shall be and be deemed to be of the same nature, and be cognizable by the same courts, magistrates, or justices of the peace, and be tried in the same manner, and subject to the same consequences, in all respects, as if the same had been made, entered into, incurred, arisen, committed or done within the said province of Upper Canada; anything in any act or acts of Parliament, or grant or charter, to the contrary notwithstanding: *Provided always*, That courts have or invested with within the limits of the said ——— all such suits and actions relating to lands, or to any claims in respect to lands not being within the province of Upper Canada, shall be decided according to the laws of that part of the United Kingdom called England, and shall not be subject to or affected by any local act, statues, or laws of the legislature of Upper Canada.

VII. *And be it further enacted*, That all process, writs, orders, judgments, decrees and acts whatsoever, to be issued, made, delivered, given and done, by or under the authority of the said courts or either of them, shall have the same force, authority and effect within the said Indian territory, and other parts of America, as aforesaid, as the same now have within the said province of Upper Canada.

VIII. *And be it further enacted*, That it shall be lawful for the Governor, or Lieutenant Governor, or person administering the Government, for the time being, of Lower Canada, by commission under his hand and seal, to authorize all persons who shall be appointed justices of the peace under the provisions of this act, within the said Indian territories, or other parts of America, as aforesaid, or any other person who shall be specially named in such commission, to act as a commissioner within the same, for the purpose of executing, enforcing, and carrying into effect, all such process, writs, orders, judgments, decrees and acts, which shall be issued, made, delivered, given, or done by the said courts of judication, and which may require to be enforced and executed within the said Indian territories; or such other parts of North America as aforesaid; and in case any person or persons, whatsoever, residing or being within the said Indian territories, or such other parts of America as aforesaid, shall refuse to obey or perform any such process, writ, order, judgment, decree or act of said court, or shall resist or oppose the execution thereof, it shall and may be lawful for the said justices of the peace or commissioner, and they or any of them are, and is hereby, required, on the same being proved before him, by the oath or affidavit of one credible witness, to commit the said person or persons so offending as aforesaid, to custody, in order to his or their being conveyed to Upper Canada; and that it shall be lawful for any such justice of the peace or commissioner, or any person or persons acting under his authority, to convey, or cause to be conveyed, such person or persons so offending as aforesaid to Upper Canada, in pursuance of such process, writ, order, decree, judgment or act; and such person and persons, shall be committed to jail by the said court, on his, her or their being so brought into the said province of Upper Canada, by which such process, writ, order, decree, judgment, or act was issued, made, delivered, given or done, until a final judgment or decree shall have been pronounced in such suit, and shall have been duly performed; and all costs paid, in case such person or persons shall be a party or parties in such suit, or until the trial of such suit shall have been concluded, in case such person or persons shall be a witness or witnesses therein: *Provided always*, That if any person or persons so apprehended as aforesaid shall enter into a bond recognizance to any such justice of the peace or commissioner, with two sufficient sureties, to the satisfaction of such justice of the peace or commission, or the said courts, commissioned to obey and perform such process, writ, order, judgment, decree, or act, as aforesaid, then and in such case it shall and may be lawful for the said justice of the peace or commissioner, or the said courts, to discharge such person or persons out of custody.

IX. *And be it further enacted*, That in case such person or persons shall not perform and fulfill the condition or conditions of such recognizance, then and in such case it shall and may be lawful for any such justice or commissioner, and he is hereby required to assign such recognizance to the plaintiff or plaintiffs, in any suit which such process, writ, order, decree, judgment or act, shall have been issued, made, delivered, given or done, who may maintain an action in the said courts in his own name against the said sureties, and recover against such sureties the full amount of such loss or damage as such plaintiff shall prove to have been sustained by him, by reason of the original cause of action in respect of which such process, writ, order, decree, judgment or acts of the said courts, were issued, made, delivered, given, or done, as aforesaid, notwithstanding anything contained in any charter granted to the said Governor and Company of Adventurers of England trading to Hudson's Bay.

X. *And be it further enacted*, That it shall be lawful for His Majesty, if he shall deem it convenient so to do, to issue a commission or commissions to any person or persons to be and act as justice of the peace within such parts of America as aforesaid, as well within any territories heretofore granted to the Company of Adventurers of England, trading to Hudson's Bay, as within the Indian territories of such other parts of America as aforesaid; that it shall be lawful for the court in the province of Upper Canada, in any case in which it shall appear expedient to have any evidence taken by commission, or any facts or issue, or any cause or suit ascertained, to issue a commission to any three or more of such justices to take such evidence, and return the same, or try such issue, and for that purpose to hold courts, and to issue subpœnas or other processes to compel attendance of plaintiffs, defendant, jurors, witnesses, and all other persons requisite and essential to the execution of the several purposes for which such commissions had issued, and with the like power and authority are vested in the courts of the said province of Upper Canada; and any order, verdict, judgment, or decree, that shall be made, found, declared, or published, by or before any court or courts held under and by virtue of such commissions, shall be considered to be of full effect, and enforced in like manner, as if the same had been made, found, declared, or published, within the jurisdiction of the court of the said province; and at the time of issuing such commission or commissions shall be declared the place or places where such commission is to be opened, and the courts and proceedings thereunder held; and it shall be at the same time provided how and by what means the expenses of such commission, and the execution thereof, shall be raised and provided for.

XI. *And be it further enacted*, That it shall be lawful for His Majesty, notwithstanding anything contained in this act, or in any charter granted to the said Governor and Company of Adventurers of England trading to Hudson's Bay, from time to time, by any commission, under the great seal, to authorize and empower any such persons so appointed justices of the peace as aforesaid, to sit and hold courts of record for the trial of criminal offenses and misdemeanors, and also of civil causes; and it shall be lawful for His Majesty to order, direct, and authorize the appointment of proper officers to act in aid of such courts and justices, in any such commission; anything in this act or in any charter of the Governor and Company of Merchant Adventurers of England trading to Hudson's bay, to the contrary notwithstanding.

XII. *Provided, always, and be it further enacted*, That such courts shall be constituted, as to the number of justices to preside therein, and as to such places within the said territories of the said company, or any Indian territories, or other parts of North America, as aforesaid, and the times and manner of holding the same as His Majesty, shall from time to time order and direct; but shall not try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offense or passing sentence affecting the life of any offender or adjudge or cause any offender to suffer capital punishment or transportation, or take cognizance of or try any civil action or suit, in which the cause of such suit or action shall exceed in value the amount or sum of two hundred pounds; and in every case of any offense subjecting the person committing the same to capital punishment or transportation the court, or any judge of such court, or any justice or justices of the peace, before whom any such offender shall be brought, shall commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the court of the province of Upper Canada.

XIII. *And be it further enacted*, That all judgments given in any civil suit shall be subject to appeal to His Majesty in Council, in like manner as in other cases in His Majesty's province of Upper Canada, and also in any case in which the right or title to any land shall be in question.

XIV. *And be it further enacted*, That nothing in this act contained shall be taken or construed to affect any right, privilege, authority or jurisdiction, which the Governor and Company of Adventurers trading to Hudson's Bay are by law entitled to claim and exercise under their charter; but that all such rights, privileges, authorities and jurisdictions, shall remain in as full force, virtue, and effect as if this act had never been made, anything in this act to the contrary notwithstanding.

AWARD.[1]

At a meeting of the commissioners under the treaty of July 1st, 1863, between the United States of America and His Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, held at the city of Washington, on the 10th of September, 1869. Present: Alexander S. Johnson, Commissioner on the part of the United States of America; John Ross, Commissioner on the part of His Britannic Majesty. The Commissioners having heard the allegations and proofs of the respective parties, and the arguments of their respective counsel, and duly considered the same, do determine and award that, as the adequate money consideration for the transfer to the United States of America of all the possesory rights and claims of the Hudson's Bay Company, and of the Puget's Sound Agricultural Company, under the first article of the treaty of July 1st, 1863, and the third and fourth articles of the treaty of June 15, 1846, commonly called the Oregon treaty, and in full satisfaction of such rights and claims, there ought to be paid in gold coin by the United States of America, at the times and in the manner provided by the fourth article of the treaty of July 1st, 1863, on account of the possessory rights and claims of the Hudson's Bay Company, four hundred and fifty thousand dollars; and on the account of the possessory rights and claims of the Puget's Sound Agricultural Company, the sum of two hundred thousand dollars; and that at or before the time fixed for the first payment to be made in pursuance of the treaty and of this award, each of the said companies do execute and deliver to the United States of America a sufficient deed or transfer and release to the United States of America, substantially in the form hereunto annexed.

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[1] According to a treaty of 1863, founded on Art. IV of treaty of 1846.

In testimony whereof we, the said Commissioners, have set our hands to this award in duplicate, on the day and year and at the place aforesaid.

ALEXANDER S. JOHNSON,
Commissioner on the part of the United States.
JOHN ROSS,
Commissioner on the part of Her Britannic Majesty.

Award of the Emperor of Germany under the XXXIVth Article of the Treaty of May 8, 1871, giving the island of San Juan to the United States.

[Translated]

We, William, by the grace of God, German Emperor, King of Prussia, etc., etc., etc.

After examination of the treaty concluded at Washington on the 6th of May, 1871, between the Governments of Her Britannic Majesty and of the United States of America, according to which the said Governments have submitted to our Arbitration the question at issue between them, whether the boundary line which, according to the treaty of Washington of June 15, 1846, after being carried westward along the forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island is thence to be drawn southerly through the middle of the said channel and of the Fuca Straits to the Pacific ocean, should be drawn through the Rosario Channel as the Government of Her Britannic Majesty claims, or through the Haro Channel as the Government of the United States claims; to the end that we, may finally and without appeal decide which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

After hearing the report made to us by the experts and jurists summoned by us upon the contents of the interchanged memorial and their appendices, have decreed the following award:

Most in accordance with the true interpretations of the treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel.

Authenticated by our autographic signature and the impression of the imperial great seal.

Given at Berlin, October the 21st, 1872.

[SEAL.] WILLIAM.

The undetermined boundary line between the old province of Louisiana and the British-American possessions, the provisions concerning which defeated Rufus King's Treaty of 1803, presented itself again after the peace of [1]1814. It was settled, temporarily, in the treaty of 1818, by on agreeing that the 49th parallel should be the boundary from the Lake of the Woods to the Rocky mountains, and that the territory west of the Rocky mountains should be occupied jointly for the term of ten years. Fort George (Astoria), on the Columbia river, which had been withheld from the United States, in admitted violation of the provisions of the treaty of Ghent, was only formally restored to them.

Negotiations were opened at London in 1823, on the motion of the United States, for settling this boundary, but they came to a close without any treaty or other engagement having been concluded. The British plenipotentiaries proposed the "49th parallel to the point where it strikes the northernmost branch of the Columbia and thence down along the middle of the Columbia to the Pacific ocean." Mr. Rush refused this, and proposed the 49th parallel to the Pacific. The British plenipotentiary rejected this and made no new proposal in return. In 1826, negotiations were resumed on the suggestion of the British Government. Lord Canning inquired of Rufus King, then Minister at London, whether he was provided with instructions for their resumption. Mr. King, who was on the eve of leaving London, replied that he had been expecting special instructions, and immediately transmitted the correspondence to Washington. Mr. Clay, then Secretary of State, instructed Albert Gallatin, Mr. King's successor, that the President could not consent that the boundary should be south of 49°. Mr. Gallatin attempted to conclude a convention on that basis, but the attempt proved fruitless and the convention closed August 6, 1827 by an indefinite extension on twelve months' notice by either party. Congress by a resolution passed April 27, 1846, authorized the President, "at his discretion, to give the notice required for the abrogation of the convention." On June 15th following a treaty was concluded at Washington, setting the boundary on the 49th parallel, "to the middle of the channel which separates the continent from Vancouver's Island, thence southerly, through the middle of said channel of Fuca's Straits, to the Pacific ocean." The motives and purposes of the United States are set forth in a confidential document submitted to the Senate with the treaty of 1871.

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[1] Foreign Relations, 4 vol.

They were "so far to depart from the 49th parallel as to leave the whole of Quadra and Vancouver's Island to England." What the British Ministry intended, was stated by Sir Robert Peel in the House of Commons June 26, 1846. "That which we proposed is the continuation of the 49th parallel of latitude till it strikes the Straits of Fuca; that that parallel should not be continued as a boundary across Vancouver's Island, thus depriving us of a part of Vancouver's Island, but that the middle of the channel shall be the future boundary, thus leaving us in possession of the whole of Vancouver's Island." The reason that England was willing to accept this treaty, was that during the quarter of a century that the joint occupancy was maintained, that the Hudson's Bay Company had stripped the country of fur-producing animals, and was really of no financial worth to that company, and that the American settlers had come in such numbers that they overpowered the company and could not control the country as previous to that time. But this company succeeded in having a claim inserted in the treaty, that greatly recompensed that company for their financial loss, and that was to pay the Puget Sound Agricultural Company $200,000; and the Hudson's Bay Company, $450,000, which should be considered as a gift to that powerful company. But the British Government again evinced their grasping characteristics, through Lord Palmerston, who laid claim to run the boundary through to Rosario Straits, and embrace San Juan Island along with Vancouver Island. This claim was resisted by the American settlers on San Juan and came near involving the two nations in war, but the matter was left to arbitration and was settted by Emperor William as already shown.

Historical Introduction.

General review of discoveries; Captains Kendrick and Gray; Gray's discovery of the Columbia; Jonathan Carver; Hudson's Bay Company; President Jefferson; Lewis and Clarke; Astor's Fur Company; Founding of Astoria; Destruction of the Tonquin; Hunt's expedition; Congressional proceedings; Gen. Jesup's letters; Mr. Ashley's letter; Merchant's Journal article; Hall J. Kelly; Captain Wyeth; Methodist Missionaries; Whitman and Spalding; Fort Vancouver; W. A. Slacum; Ewing Young; Cattle company; Memorial to Congress; Congressional; Death of Mrs. Lee; Eastern States Memorials; Arrival of the Lausanne; Memorial to Congress; Congressional; Hunt's Merchant Magazine, with log-book of Capt. Gray; Early settlers of French Prairie; Memorial of J. Quinn Thornton; Memorial of Mrs. Gray.

FROM the time that Cortez conquered Mexico, efforts were made by the maritime nations of the old world to explore the secrets of the northwest Pacific coast. Various expeditions were fitted out from the western part of Mexico to reconnoiter this *terra incognita*. That portion north of San Francisco with its shore line of mountains lashed by wild, angry waves was entirely unknown to the early and bold navigators, and no conception could be formed by them of the beautiful valleys favored with salubrious climate, that lay only a short distance from them as they sailed along, seeking friendly harbors; and little did they think that those valleys were destined to become the happy homes of teeming thousands of civilized people.

In 1539, Ulla coasted along the shores of California up to the 13° of north latitude, and he was followed by Cabillo and Ferrer in 1540, who went as far as the 43°. Sir Francis Drake between the years 1578-80, visited the coast, but it is doubtful if he went further north. The Viceroy of Mexico in 1602 ordered Viscaino to survey the coast and select proper locations for settlements. The latter reached Cape Blanco and discovered two harbors — Port San Diego and Monterey — both of which he named. By his death in 1609, all of the projected settlements fell through. For about one hundred and fifty years explorations seem to have ceased.

During the early part of the eighteenth century the Jesuit society settled in California and remained until 1767, when they were expelled. The Mexican authorities ordered another expedition under command of Juan Perez, who reached the 16° of north latitude and then returned to Monterey whence they proceeded north as far as 49½° and entered Nootka Sound. The Viceroy sent in 1775, two ships under the command of Heceta and Bodega, who reached Fuca's Straits, where they parted; and Heceta on returning probably discovered the mouth of the Columbia river, which he named San Roque, and immediately south what he supposed to be a harbor at the mouth of a river. Bodega continued northwest until he reached the 58° of north latitude and named several bays. Captain James Cook, who was making his second voyage in 1778 to the Arctic ocean, passed the Columbia river without seeing it and ran into Nootka Sound. After exploring Behring's Straits he returned and went to the Sandwich Islands, where he lost his life Feb. 16, 1778 and thus became immortalized. Captain Clark, the senior officer assumed command of the expedition, went to Petro Paulousk and through Behring's Straits, but ill health compelled him to return, and he died at Petro Paulousk. The command then fell upon Captain John Gore, and he determined to return home, going by Canton, where he sold his furs at a good profit. This opened a new line of trade and was the first incentive to trade direct with China, as heretofore all furs had been sold to Russia, and they in turn sold to China. This subsequently suggested the organization of the Hudson's Bay Company that afterwards grew to such colossal proportions. France sent out Peyrome in 1785, who met a melancholy fate after he had surveyed the coast near Mount St. Elias. Next the Spaniards began the fur trade.

We now come to the most interesting part of the discoveries on the Pacific coast to Americans, the result of which was to give a magnificent empire in extent of country. That is the discovery of the Columbia river by Captain Robert Gray. In 1787, an association of merchants in Boston, Massachusetts, consisting of Joseph Barrell, Samuel Brown, Charles Bulfinch, John Darby, Crowell Hatch and John M. Pintard, subscribed to the amount of $50,000 to fit out a trading and discovery expedition to the northwest Pacific coast. They fitted out two small vessels—the *Columbia*, of 200 tons, with John Kendrick as captain, and the sloop *Washington*, of ninety tons, with Robert Gray as captain. Captain Kendrick had been a privateer commander during the revolution, and Captain Gray had served as an officer in the

American navy during the same war. These two vessels being well supplied with material to trade with the Indians for furs, sailed from Boston, September 30, 1787, amid the hearty good wishes of the people in general and the owners especially. After a long and at times, a tempestuous voyage, during which the little ships became separated off of Cape Horn, the *Washington* arrived off of Cape Mendocino August 2, 1788, and Captain Gray traded some with the Indians. After sailing north he stopped at a small harbor, and as a boat had been sent ashore to collect some grass for the few head of stock, they were attacked and one of the crew was killed. They sailed north and on Aug. 16, 1788, the sloop reached Nootka Sound where he found Captains Mears and Douglas who were sailing under the Portuguese flag. A few days afterwards the *Columbia* arrived much to the relief of Gray and crew. Before Gray reached Nootka Sound he passed the mouth of the Columbia and for nine days tried to make an entrance, but the strong current or outflow prevented his entrance, and on his meeting with Captain John Vancouver, of the British navy, he stated that he believed that he had discovered a great river. After Captain Kendrick's arrival on the *Columbia* and assuming command of the expedition, he sent Gray to the north to trade and explore, and in this he spent some time. On his return, Captain Kendrick placed Gray in charge of the *Columbia*, laden with furs and ordered him to China, there to sell his cargo for tea and continue on to Boston, while he went aboard of the *Washington* to continue in the trade. Gray left Clayoquot in the *Columbia*, July 30, 1789, and called for a short time at the Sandwich Islands, then proceeded to Canton. He sailed early in February, 1790, and reached Boston on the following 10th of August, amid great rejoicing of the people, as he was the first man to carry the American flag around the world, having sailed in all nearly 50,000 miles, and opened up a new commercial field of great value.

The *Columbia* with Gray as commander left Boston on her second and most important cruise, Sept. 28, 1790, and arrived at Clayoquot, June 4, 1791, and soon started on a cruise, when on August 20th, he lost three men by the Indians. In the meantime, Kendrick had been meeting with some adventures with the Indians. On one occasion his son Soloman had been murdered by them. He had also sailed to Macao, and after changing his sloop to a brig, he touched at Japan and tried to open a trade, but was immediately ordered off, but he had the satisfaction of being the first man who had ever unfurled the starry banner in those waters. He then returned to Clayoquot where Gray met him. Kendrick on Aug. 5, 1791, purchased of the Indians quite a strip of land, and the deed was made out, but that is about all that it ever amounted to. Captain Kendrick, who left the coast on the 29th of September, 1791, lost his life by an accidental discharge of a salute. The *Washington*, with her cargo of furs, was lost on the coast of China.

During this winter, Gray built and on Feb. 23, 1792, launched a sloop, which he named the *Adventure*, of about forty tons and was sent on a cruise under the command of one of the officers and was a good sailer. On April 29, 1792, Gray met Captain Vancouver, to whom he told (as before stated) that he believed he had discovered a large river, but could not enter it. Vancouver scouted it as he had sailed only a few days before along the same route, and had not seen any indications of a river. Gray determined to settle the question, and sailed in that direction, and on May 7th, he arrived at the entrance, and continued his efforts until on May 11, 1792, he dropped anchor in the largest stream on the Pacific coast, naming it the COLUMBIA, thus securing to the United States a territory large enough for three States of great extent. The log book I give further on. By this act Gray immortalized himself and ship, placing them in history where they never will be erased.

At the close of this article will be found a memorial of Hon. J. Quinn Thornton, with cut of medal, also one from Mrs. Gray to Congress.

We will now turn back a little. Several important surveys of different parts of the coast had been made by the British and Americans, and Capt. J. Mears in the *Felice* tried to discover the opening seen by Heceta in 1775, which was laid down as "Entrada de Heceta," or "de Ascension," or "Rio de San Roque," but not finding them satisfactory, called the promontory "Cape Disappointment," and the opening "Deception Bay," and said that there was no such river as San Roque as laid down in the Spanish charts. It would seem that Providence had designed that this magnificent river and country should be reserved for the new born nation as a rightful heritage, as ship after ship sailed by without being able to discover and enter the mouth of the "Great river of the West," whose source laps the headwaters of that other great river which flows through our country for thousands of miles and loses itself in the Atlantic. But the man and the time came, the great secret was solved and our country reaped the benefit.

Jonathan Carver, who was born in Connecticut in 1732, possessed of an adventurous spirit, had traveled and lived among the western tribes of Indians and having heard of the "River Oregon" or "River of the West," tried to organize an expedition to cross the continent, going up the Missouri river and down that mysterious stream to the Pacific ocean. He was fated to fail in accomplishing his life's object, and he said: "That the completion of this scheme, which I have the honor of first planning and attempting, will some time or other be effected, I make no doubt. Those who are so fortunate as to succeed in it will reap (exclusive of the national advantages that must ensue) emoluments beyond their most sanguine expectations. And while their spirits are elevated by their success, perhaps they may bestow some commendations and blessing on the person that first pointed out to them the way; these, but a shadowy recompense for all my toil, I shall receive with pleasure." Captains Lewis and Clarke in 1804-6 pursued the route spoken of by Carver. It was probably his efforts that first directed the attention of Mr. Jefferson, who afterwards, while President, sent a confidential message to Congress asking authority to send an expedition across the continent. At least, let us give Jonathan Carver just credit for his attempt, for the womb of time produced results which contained the realization of his fondest expectations.

The fur trade held out such inducements for great fortunes, that a company of merchants in London organized the Hudson's Bay Fur Company, and were granted a charter of almost unlimited power by Charles II in 1669, controlling all of the vast region in and around Hudson's Bay; but this company had a strong rival in Canada, who traded extensively with the interior. When the province was conquered by England, the Hudson's Bay Company assumed complete control, until a new company was organized in Upper Canada in 1766, which was again re-organized in 1783, with headquarters at Montreal. But the intense rivalry of these two powerful companies led to so much strife and bloodshed, that it was found necessary to come to some compromise and the two companies united under the title of the Hudson's Bay Company and a new charter was granted extending twenty-one years.

"In 1792, Mr. Jefferson proposed to the American Philosophical Society a subscription to engage a competent person to proceed to the northwest coast by land; and Captain Merriweather Lewis who was stationed at Charlottville, Virginia, was engaged for the purpose. M. Michaux, a French botanist, was to be his companion. They had gone as far as Kentuckey on their journey when Michaux was recalled by the French minister to pursue in other quarters his botanical researches, which put a stop to the enterprise."[1] President Jefferson recommended to Congress in a confidential message in January, 1803, that a party should trace the Missouri to its source, and cross the Rocky mountains and proceed to the Pacific ocean. This was acceded to by Congress. Captain Lewis requested to be placed in command, and Wm. Clarke, a brother of Gen. G. R. Clarke, also volunteered his services. Full instructions were given as to route, observations of natural history, resources, etc., as the President had great desire to ascertain all that was possible, in hopes that an Asiatic trade could be opened across the continent, so that America might be independent of all other powers commercially as well as politically. The expedition started May 4, 1804, and after great hardship, arrived at the mouth of the Columbia Nov. 14, 1805, started to return March 23, 1806, and arrived at St. Louis, September 23, 1806; being exactly six months in returning, and two years, four months and eight days on the expedition.[2]

From 1806 to 1810, quite a number of ships entered the Columbia, and in the spring of the latter year, Capt. T. Winship of the *Albatross* sailed up to Oak Point, built a house and put in a garden.

At St. Louis in 1808, the Missouri Fur Company was formed and established trading posts and forts upon the upper Missouri and beyond the Rocky mountains to the headwaters of Lewis river.

Mr. John Jacob Astor, the celebrated fur trader of New York city organized the Pacific Fur Company in 1810, and in September of that year, Messrs. M'Kay, M'Dougal, David and Robert Stewart, four of Mr. Astor's partners, with clerks, mechanics, stores, arms, etc., embarked in the ship *Tonquin*, under command of Captain Jonathan Thorn, a naval officer, to establish a post and fort on the Columbia river. Thorn was a competent navigator, but in every other respect was wofully deficient, as he was hasty in temper and very tyrannical; and not understanding the Indian character, had a great contempt for them. The result of this effort proved disastrous, as will be shown further on. He arrived at the mouth of the Columbia March 22, 1811, and sent a small boat with eight men to cross and examine the bar under strong protest of the men, and all lost their lives. After crossing the bar and landing the material and goods for the fort, which was named Astoria in honor of the head of the company. On the 5th of June following he left the river and sailed to Vancouver Island, where he commenced trading with the Indians for furs. Disobeying explicit orders not to allow but few Indians on his ship at a time, they were permitted to crowd the deck, and it was not long before his imperious nature brought on a disturbance, and the Indians attacked and killed twenty-three men, among the first victims being Thorn himself. The ship's clerk, Lewis, interpreter and four others took refuge in the cabin and escaped the general massacre. Four of the men at night took a ships boat and attempted to get away, but were driven ashore by the incoming tide and wind and murdered. Lewis determined to take a terrible revenge upon the Indians while sacrificing his own life. He enticed about a hundred on board the ship and firing the magazine sent them all to distruction. The interpreter who was in the cross-trees, was thrown into the water and escaped unhurt and afterwards carried the news to Astoria.

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[1] Lewis and Clarke Rocky Mts.

[2] The following notice was posted up on the fort, and several copies distributed among the natives, and one copy fell into the hands of Capt. Hill, of the brig *Lydia*, and by him carried to Canton, from whence it was sent to Boston in a letter dated at Canton, January, 1807: "The object of this is, that through the medium of some civilized person may see the same, it may be known to the world that the party, consisting of the persons whose names are hereunto annexed, and who were sent out by the government of the United States to explore the interior of the continent of North America, did cross the same by the way of the Missouri and Columbia rivers, to the discharge of the latter into the Pacific ocean, where they arrived on the 14th day of November, 1805, and departed the 23d day of March, 1806, on their return to the United States, by the same route by which they had come out."

The copy of the above that I found was not signed, as the compiler evidently did not think it necessary. On the map of the expedition, the Willamette is set down as Mult-no-mah, Clackamas as Clack-mus, Calapooiaas Cal-lah-po-e-wah, but is evidently the Yamhill river, as the Calapooia is on the east side of the Willamette instead of the west.

"In the spring of 1811," says Gray in his history of Oregon, "Wilson Price Hunt with other partners Cook, M'Kenzie and M'Clellen, with a party of sixty men started across the continent. They were extremely annoyed by the opposition fur traders on their route and also by hostile Indians. Such of the party as did not perish by famine and hostile Indians and British fur traders, arrived at Astoria on the 28th of January 1812."

Mr. Hunt visited the Russian ports to negotiate commercial intercourse, where he was delayed through various causes for a year, during which time discord seems to have arisen among the remaining partners, and as they had received news that the United States and England were at war, and a naval vessel was coming to capture Astoria, the establishment, with all the furs was sold at a great sacrifice to the Hudson's Bay Company. November 30, 1813, the British sloop-of-war *Raccoon* entered the river and captured Astoria and changed the name to Fort George. By the terms of the treaty of Ghent, Astoria was restored to the United States October 6, 1818.

On Dec. 29, 1823, Mr. Floyd of Virginia, in the House of Representatives, moved that a committee be appointed to inquire into the expediency of occupying the Oregon or Columbia river, and to regulate intercourse with the Indian tribes, and to report by bill or otherwise. On April 15, 1824, Mr. Floyd submitted the following report which was read and laid on the table. The report is as follows:

The committee to whom was referred the resolution of the 29th day of December last, instructing them to inquire into the expediency of occupying the mouth of the Oregon or Columbia river, have had the same under consideration, and ask leave to report. That they have considered the subject referred to them, and are persuaded, that, both in a military and commercial point of view, the occupation of that territory is of great importance to the Republic; but as much has been submitted to the house on these points by former committees they have now deemed it necessary only to present a view of the difficulties which would probably present themselves in accomplishing that object, and the manner in which they can be overcome. To obtain information, a letter to this end was addressed to an officer of the army, whose integrity in the public service is well known to the House, and whose military knowledge is entitled to the highest respect; that officer is Brig. Gen'l Thos. S. Jesup; answered so satisfactorily to the committee, that they have presented the answer, and adopted it as a part of this report:

QUARTERMASTER GENERAL'S OFFICE,
WASHINGTON, *April 26 1824.*

SIR:—In reply to your letter, dated 30th ult., requesting me to communicate "any facts, views, or opinions, which may have presented themselves to me, relative to the probable difficulty of making an establishment at the mouth of the Columbia river, and the military advantages of that establishment," I have the honor to remark, that, ever since my attention was first directed to the subject, I have considered the possession and military command of the Columbia, necessary not only to the protection of the trade, but to the security of our Western frontier. That flank of our country, entending from the lakes to the gulf of Mexico, is everywhere in contact with numerous, powerful and warlike Indian nations; who, altogether, might be able to bring into the field from 20,000 to 30,000 warriers. Most of those nations communicate, either with the British to north and west, or the Spanish to the south. In the event of war, that force, with a few hundred foreign troops, or under the influence of foreign companies, might be made more formidable to us than any force which Europe combined could oppose to us. On the other hand, if such measures be adopted as to secure a proper influence over them, and, in the event of war, to command their cooperation, they, with the aid of a few small garrisons, would not only afford ample protection for that entire line, but would become a scourge of our enemies. The danger to be apprehended, can only be averted by proper military establishments; and whether the post at the mouth of the Columbia be intended to secure our territory, protect our traders, or to cut off all communication between the

Indians and foreigners, I should consider a line of posts extending from the Council Bluffs entirely across the continent necessary. Those posts should be situated, as well with a view to command the avenues through which the Indians pass from the north to the south, as to keep open communication with the establishment at the mouth of the Columbia. A post should be established at the Mandan villages, because, there the Missouri approaches within a short distance of the British territory and it would have the effect of holding in check the Hudson's Bay and North West companies, and controlling the Rickarees, Mandans, and other Indians, who either reside or range on the territory east, north, and west of that point. A post at, or near, the head of navigation on the Missouri, would control the Blackfoot Indians, protect our traders, enable us to remove those of the British companies from our territory, and serve as a depot, at which detachments moved toward the Columbia might either be supplied, or leave such stores as they should find it difficult to carry with them through the mountains. It might also be made a depot of trade and of the Indian department. To keep open the communication through the mountains, there should be at least one small post at some convenient point between the mountains and the Columbia, and on the latter river and its tributaries, there should be at least three posts. They would afford present protection to our traders, and, on the expiration of the privileges granted to British subjects to trade on the waters of the Columbia, would enable us to remove them from our territory, and to secure the whole to our citizens. They would also enable us to preserve peace among the Indians, and, in the event of foreign war, to command their neutrality or their assistance, as we might think most advisable. The posts designated, might be established and maintained, at an additional annual expense not exceeding $40,000. By extending to those posts the system of cultivation, now in operation at the Council Bluffs, the expense of supplying them would, in a few years, be greatly diminished. Mills might be erected at all those posts, at a trifling expense, and, the whole country abounding in grass, all the domestic animals necessary, either for labor or subsistence, might be supported. This would render the establishment more secure, and, consequently more formidable to the Indian nations in their vicinity.

As to the proposed posts on the Columbia, it is believed they might be supplied immediately at a low rate. Wheat may be obtained at New California, at about 25 cents per bushel, and beef cattle at $3 or $4 each. Salt, in any quantity required, may be had at an island near the Peninsula of California. Should transportation not be readily obtained for those articles, vessels might be constructed by the troops. To obtain the desired advantages, it is important, not only that we occupy the posts designated, but that we commence our operations without delay. British companies are wealthy and powerful; their establishments extend from Hudson's Bay and Lake Superior to the Pacific; many of them within our territory. It is not to be supposed they would surrender those advantages without a struggle, and, though they should not engage in themselves, they, might render all the Indians, in that extensive region hostile. The detachment intended to occupy the mouth of the Columbia might leave the Council Bluffs in June, and 150 men proceed with the boats and stores; and, as the country is open, and abounds with grass, the remaining 50 might proceed by land, with horses intended for the transportation across the mountains, and might drive 300 or 400 beeves to the Mandan village or to the falls of the Missouri; at one of these places the parties should unite and spend the winter. The latter would be preferable, because there they might be able to establish a friendly intercourse with the Blackfoot Indians, or, at all events, by impressing them with an idea of the power of the nation, restrain their depredations upon the neighboring tribes, and deter them from acts of outrage upon our traders. They might, also, during the winter, reconnoiter the several passes through the mountains, prepare provisions necessary to support them on the march, and down the Columbia; and, if authorized to do so, remove from the territory all the British traders on the waters of the Missouri. They would necessarily remain at, or in the vicinity of their wintering ground, until June, but might be occupied during the months of April and May, in opening a road to the mountains and constructing bridges over the numerous streams on the route. This work performed, they might, in about twenty days reach the navigable waters of Clarke's river, a branch of the Columbia, and in ten days more, prepare transportation to descend to their destination, where, after every necessary allowance for accidents and delays, they would certainly arrive by the month of August.

The vessels employed to transport the stores by sea, might leave the United States in the month of November, and would arrive at the mouth of the Columbia in April, at least four months before the detachment from Council Bluffs could reach that point; and, unless the ships should be detained during that time, which could not be expected, the stores would be exposed to damage and depredations, and, perhaps, by the time the troops should arrive, would be entirely destroyed. It would therefore, seem to me a measure of prudence, that at least one company of artillery be transported with the stores. That description of the force would be found necessary at the post, and the ships would afford them ample accommodations.

That the route from the Council Bluffs to the mouth of the Columbia is practicable, has been proved by the enterprise of more than one of our citizens. It, no doubt, presents difficulties; but difficulties are not impossibilities. We have only to refer to the pages of our history to learn that many operations, infinitely more arduous, have been accomplished.

A post at the mouth of the Columbia is important, not only in relation to the interior trade, and the military defense of the Western section of the Union, but, also, in relation to the naval powers of the nation. Naval power consists, not in ships, but in seamen; and to be efficient, the force must always be available. The northwest coast of America is an admirable nursery for seamen — many of our best sailors are formed there; without a naval station, however, on the Pacific, the force employed in the whale fishery, as well as in sealing, and the northwest trade, would in the event of war, with a great maritime power, be, in some measure, lost to the nation. But, that establishment made, it would afford a secure retreat to all our ships and seamen in that section of the globe; and the force, thus concentrated, might be used with effect against the trade, if not the fleets or possessions of the enemy, in place of being driven to the Atlantic, or perhaps captured on their way. The establishment might be considered as a great bastion, commanding the whole line of coast to the north and south; and it would have the same influence on that line which the bastion of a work have on its curtains; for the principles of defense are the same whether applied to a small fortress, or to a line of frontier, or even an entire section of the globe. In the one case, the missles used are bullets and common shot, in the other, ships and fleets. I have the honor etc.,

HON. J. FLOYD, H. of R. TH. S. JESUP.

The above report was laid upon the table, as Congress did not seem disposed to consider the subject, and on the following January 24, Mr. Floyd introduced the following resolution, which was adopted:

> *Resolved*, That the President be requested to cause to be laid before this House an estimate of the expenses which would be incurred by transporting 200 of the troops now at Council Bluffs to the mouth of the Columbia or Oregon river.

To this the President sent the following message:

To the House of Representatives of the United States: The House of Representatives on the 26th ult., having resolved, that the President be requested to cause to be laid before it an estimate, etc., I herewith transmit a report of the Secretary of War, which contains the information required.

February 29, 1824.

JAMES MONROE.

DEPARTMENT OF WAR, *February 17, 1824.*

The Secretary of War, to whom was referred the resolution of the House of Representatives of January 26th * * has the honor to transmit a report of the Quartermaster-General which contains the information required.

J. C. CALHOUN.

QUARTERMASTER-GENERAL OFFICE,
WASHINGTON, *February 16, 1824.*

SIR:—In obedience to your order, dated the 30th ult., requiring an estimate of the probable expense of transporting 200 of the troops from Council Bluffs on the Missouri river to the mouth of the Columbia river, I have the honor to report that the expenses will consist: 1—Of an outfit of boats, and the necessary tools and materials to keep them in repairs to transport the detachment from Council Bluffs to the head of navigation on the Missouri and Yellow Stone river. 2—The number of horses necessary to transport the detachment, their provisions, and stores, from that place to some navigable point on the Columbia river, and tools to open a road and construct bridges on the route. 3—The tools and materials necessary to enable them to construct boats to descend the Columbia.

I take it for granted that the ordnance, clothing, provisions, and all the heavy baggage required for the use of the detachment, after it shall have arrived at its destination, will be transported by sea, and that no other supplies than those actually necessary on the march, will be taken across the Rocky mountains. If so, the whole outfit, including arms, ammunition, and provisions, for twelve months, would not exceed 140 tons; the transportation of which ten boats, which, with all their equipments, would not exceed $700 each, would be sufficient. Fifteen hundred dollars would provide all the tools that would be required in opening a road and constructing bridges between the navigable points of the Missouri and the Columbia. And 200 horses would be amply sufficient for the transportation over that route. These horses could be obtained from the Pawnees near Council Bluffs, or from the Mandans, perhaps not costing the government more than $15 to $20 each; at all events, not more than $25 each. Fifteen hundred dollars would provide all the tools and materials necessary to construct boats to descend the Columbia. The necessary expenses then, incident to the movement, would be:

For ten boats at $700 each	$ 7,000
For intrenching and other tools necessary on the march	1,500
For 200 horses, at $25 each	5,000
For tools and materials for boats on the Columbia	1,500
Total	$15,000
Add an equal sum for unseen expenses	15,000
And the whole amount required will be	$30,000

To transport the heavy baggage, ordnance, and a supply of provisions by sea two vessels at $7,000 each, $14,000, making the entire operations by land and sea, $44,000. Small as this estimate may appear when we consider the magnitue of the object proposed to be accomplished, I feel confident that, if the operations be conducted by the military, it would be more than sufficient.

TH. S. JESUP.

It will be observed, that the idea of taking wagons to the great Columbia basin never occurred to General Jesup, and that fact was left to be demonstrated by citizen enterprise and heroic pluck eighteen years afterwards.

It evidently was the intention of the Hudson's Bay Company as agents of the British Government to, if possible, wrest from the United States the vast domain owned by her on the northwest coast by right of discovery, if *not* by the Louisiana purchase. The royal charter was granted to this company, May 2, 1670, and was supposed to operate in the country in contiguity to Hudson's Bay, but they extended their explorations and built trading posts all over the whole northwest territory and as far south as the northern boundary of the Mexican possessions, and drove out all competition either by fair or foul means. Even in the decadence of this powerful company after a remarkable career of nearly two centuries, there were on November 17, 1847, 239 proprietors or members, representing a capital stock of £400,000, or nearly $2,000,000. No one could hold office without he held £1,800 of stock, so it was a rich man's or aristocratic institution.

As the bitterness that had been engendered between the Hudson's Bay Company and the American Fur Company had grown to such a degree that the attention of Congress was called to the matter, Senator Benton wrote a note of inquiry to Mr. Ashley, one of the principal partners in regard the matter, receiving the following, which was submitted by Mr. Benton, December 24, 1827, and referred to the Committee on Foreign Relations, and ordered printed :[1]

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[1] Foreign Relations, p. 706, No. 458.

Mr. Ashley to Mr. Benton.

ST. LOUIS, *Nov. 1827.*

DEAR SIR:—Your letter making inquiries of me concerning trade and intercourse with Indians west of the Rocky mountains, &c., is at hand. In reply, I will remark that I have no knowledge of any of our citizens being west of the Rocky mountains, upon the territory of the United States, except those employed or equipped by me; and, having a pretty correct idea of the bounds of their operations, can with certainty, say that in no instance have they advanced north of the forty-ninth degree of north latitude, the supposed boundary between the United States and Great Britain. We believe that, in extending our operations north of that boundary, we should greatly endanger our property and lives, inasmuch as we should be exposed to numerous hostile Indians, who are under the immediate influence of British traders, as well as those traders themselves. I have been creditably informed that the Hudson's Bay Company will not even allow the men in their service to trap beaver north of the forty-ninth degree of latitude, west of the Rocky mountains. The policy of this regulation must be obvious to all, that they intend to make the best use of the privilege granted them by the treaty of 1818, allowing British subjects free trade and intercourse upon the territory claimed by the United States south of that degree of latitude. The British have extended their trapping excursions as far south as the Mexican territory; and appearances justify the belief that they have been so engaged, between the thirty-ninth and forty-ninth degree of latitudes, for the last ten or fifteen years. I have no criterion by which to estimate the probable amount of furs taken by them in that time, but by the products of the labor of men employed or equipped by me in the same business, and upon the same grounds, for the last three years, and from information derived from men who have been in the service of the Hudson's Bay Company for many years. The products of the American hunters, (about 100 in number,) for three years before mentioned, averaged about $600 annually, each, making a sum of $180,000 for that period; they collect those furs from streams that had been previously, and in many instances, repeatedly, trapped by the British. That the same water courses did, when first trapped, furnish double the quantity of furs in the same time, with the same labor, I have not the least doubt.

In the winters of 1824 and 1825, Mr. Jedediah S. Smith, with a small party of Americans, visited one of the British establishments at the mouth of Flathead river, a branch of the Columbia. Mr. Ogden, who had charge of that post, informed Mr. Smith, rather exultantly, that his party, composed of about sixty men, had taken during their operations in the district of country claimed by the Snake Indians, (a small portion of our territory west of the Rocky mountains) 85,000 beaver, equal to £150,000, worth say $600,000. The time employed in collecting those furs, as well as I now recollect, was between two and three years. A considerable portion of our territory west of the Rocky mountains being as yet unexplored, the extent of our fur region is uncertain; it, however, would not be an extravagant estimate to include half of the whole of our territory west of the thirtieth degree of longitude, (counting from Washington City,) under that denomination; and such is the peculiar situation of the country that, under suitable regulations, it would probably afford a great quantity of furs for centuries to come. I have been brought to this conclusion from the opinions of the most experienced hunters, and in some degree from my own observations, that, after trapping beaver where they were considered plenty, until they became so diminished in numbers as not to justify the hunters continuing his operations at the same place, leaving the streams undisturbed for five or six years, they will, at the expiration of that time, be found as numerous as when first trapped. The beaver is a shy, sagacious animal; they become, after being pursued for some time, to understand their enemies, and avoid the traps set for them; consequently a sufficient number is left to produce their original number in the course of five or six years.

I have been informed that the British have three or four posts established south of the forty-ninth degree of latitude, but do not know the location of but one, that is at the mouth of the Flathead river, a branch of the Columbia, and about the center of the territory west of the Rocky mountains. I have not in every instance answered the questions contained in your communication, but have stated circumstances which would govern me in my opinions, and which will lead you to such conclusions as those circumstances deserve. Putting aside the impropriety of suffering foreigners to enter upon our territory and gathering its wealth without any advantage whatever to our Government, and to the great inconvenience and injury of our citizens engaged in the same pursuits, the serious consequences that may arise from the influence of foreigners among our western Indians, should be a sufficient objection to exclude them.

In relation to this matter, Missouri has the greatest cause to complain. We see our Government locating upon the western borders of our State, numerous savages whose minds have been already poisoned against us by British influence. If the same influence is suffered to be experienced among the savages in the region of the Rocky mountains, what numerous savage foe may we expect at some period, perhaps not far distant.

Your obedient servant,

HON. THOS. H. BENTON. W. H. ASHLEY.

There is not the least doubt but that the Hudson's Bay Company did all in their power to prejudice the Indians west of the Rocky mountains against all Americans, stating that they were *women*, and would not fight; and this fact was generally known, and probably had some influence in precipitating the Whitman masacre in 1847.

The *Merchant's Journal* of Sept. 25, 1840, said: "It is time that the question of jurisdiction over the Oregon territory, now mooted by the English and this Government, were examined and facts clearly ascertained and settled, whether we are entitled to that country as is generally believed, or whether the English can claim it according to the law of nations. The longer the adjustment of this question is delayed, the more difficult it will be to come to an amicable settlement. The Hudson's Bay Company already act as if the whole country west of the Rocky mountains belonged to Great Britain, to the great detriment of American citizens, who are engaged in similar undertakings, and are struggling with difficulties thus thrown in their way."

The *St. Louis Gazette* says that the value of the furs and peltries obtained by the American Fur Company, the last year (1839) consisting of beaver, buffalo, otter, deer skins, etc., is about $250,000.

Their operations have been much circumscribed recently, on the west, by the Hudson's Bay Company, who possesses the great advantage of introducing the goods required for carrying on the trade, free of duty. In the Rocky mountain expedition undertaken two or three years since, by the American Fur Company, they sustained a loss of $60,000, being unable to compete with the Hudson's Bay Company for the reasons above stated. The branch of the latter company, in the Columbia, has obtained the present season about one hundred packs of beaver, worth $40,000, two-thirds of which have been taken on the territory claimed by the United States. With this competition, the American Fur Company have found it necessary to confine their trade to the Missouri river and its tributaries, leaving the uncontrolled possession of the Rocky mountains and the Oregon territory to the English company.

Statement of skins sold by the Hudson's Bay Company, for four years, commencing with December, 1834:

	1834.	1835.	1836.	1837.	Total.
Beaver	98,288	79,908	46,063	82,927	307,186
Martin	64,490	61,005	52,749	156,118	334,362
Otter	22,303	15,487	8,432	15,934	62,156
Fox, silver and cross	1,063	910	471	2,147	4,592
Fox, other sorts	8,876	8,701	1,924	822,861	842,361
Muskrat	649,192	1,111,616	160,906	738,549	2,660,263
Bear	7,457	4,127	1,715	8,763	22,062
Ermine	491	------	------	------	491
Fisher	5,296	2,479	1,327	6,115	15,117
Lynx	14,255	9,990	3,762	31,887	59,894
Mink	25,100	17,809	12,218	27,150	82,277
Wolf	8,484	3,722	307	7,031	19,544
Badger	1,009	698	201	754	2,662
Swan	7,918	4,703	12	6,600	19,233
Raccoon	713	522	99	585	1,919

That being over 23,418,109 animals destroyed for their pelts and furs, besides 19,238 swans in four years. The question would naturally arise what could have been the amount of money that has been lost to the American people and Government through the almost idiotic policy of our ministers and plenipotentiaries in granting joint occupancy to the vast domain of the northwest and its untold wealth of furs and pelts. As soon as this cream of wealth had been skimmed, the British Government evinced a desire to have the momentous and intricate question settled, and it was settled in a short time when Her Majesty's Government gave its consent to the same, years afterwards.

From 1818 to 1846, Oregon was a subject of diplomatic controversy, and the people of the United States became interested in the subject and called upon Congress, through petitions of individuals, societies, churches, and memorials of State Legislatures, to take some action in regard to the matter. Among the first and most persistent was "Hall J. Kelly, A. M., of Three Rivers, Massachusetts, who having as far back as 1817, been impressed with the importance of forming American settlements in Oregon, had through long weary years, given to the subject the energies of a cultivated mind, and the resources of a fortune by no means small at first,"[1] determined to go to Oregon.

Mr. Kelly crossed the continent and arrived at Vancouver, October 15, 1834, bringing with him Ewing Young, a man who possessed great energy and determination, and was destined in a few years that he lived to become historical. Mr. Kelly on account of ill health was obliged to return home, but did not give up his cherished idea of colonizing Oregon, although he never became a settler, he did a great deal to attract attention towards and awaken interest in regard to Oregon.

Captain Nathaniel J. Wyeth was the next prominent figure in the pages of history, he organized an exploring expedition in 1832, returning home the following year, and in 1834 sent a ship with goods to the Columbia river, at the same time bringing out the first installment of supplies for Rev. Jason Lee's Methodist Mission. Captain Wyeth coming overland, escorting Revs. Jason and Daniel Lee, Messrs. Cyrus Shephard and P. E. Edwards, laymen, Dr. Nutall and J. K. Townsend, scientific gentlemen; the first a botanist, the latter an ornithologist. Captain Wyeth remaining in the interior to erect a trading post. The remainder of the party arrived at Vancouver under escort of the Hudson's Bay Company employees, and were warmly welcomed by that good man and public benefactor, Dr. John McLoughlin, Chief Factor or Governor of the Hudson's Bay Company on the northwest coast.

Of Wyeth's party of 1832, there remained John Ball, Calvin Tibbetts, Solomon H. Smith. During that winter, Mr. Ball taught a school at Vancouver, which was the first ever taught on the Pacific coast. Joseph Gale also came that year from California.

I quote the following from a document written by Dr. McLoughlin and found among his papers after his death, stating why he advised the missionaries to settle in the Willamette valley, and the sequel clearly demonstrated his wisdom:

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[1] J. Quinn Thornton, Pioneer Proceedings.

"In 1834, Messrs. Jason and Daniel Lee, and Messrs Walker and P. L. Edwards came with Mr. Wyeth to establish a mission in the Flathead country. I observed to them that it was too dangerous for them to establish a mission; that to do good to the Indians, they must establish themselves where they could collect them around them; teach them first to cultivate the ground and live more comfortably than they do by hunting, and as they do this, teach them religion; that the Willamette afforded them a fine field, that they ought to go there, and they would get the same assistance as the settlers. They followed my advice and went to the Willamette, and it is but justice to these pioneers to say that no men, in my opinion, could exert themselves more zealously than they did till 1840, when they received a large reinforcement of forty or more persons, then the new-comers began to neglect their duties, discord sprung up among them and the mission broke up."

Dr. Marcus Whitman and Rev. Samuel Parker were sent by the American Board of Foreign Missions to explore the country with a view of establishing missions in Oregon. They traveled together until they reached the Rocky mountains, when Dr. Whitman returned for reinforcements, and Mr. Parker continued his journey, arriving that year and spent considerable time in traveling over the country, and on returning home wrote a very interesting book of his trip and on Oregon.

The next year Dr. Whitman accompanied by his wife, Rev. H. H. Spalding and wife, Mr. Wm. H. Gray, secular agent, started across the trackless plains and mountains for 3,000 miles, and arrived at Fort Walla Walla, September 2, 1836, and were kindly received by the officers of the Hudson's Bay Company. To these two ladies belong the historical honor of being the first white women who crossed the plains, making the entire journey on horseback, but were sustained by religious enthusiasm to enter upon their missionary duties; how well they were rewarded subsequent events will show. After remaining a few days at Walla Walla, the party proceeded down the Columbia to Fort Vancouver and arrived on the 12th of that month and were cordially welcomed by Dr. McLoughlin. In due time these missionaries returned up the Columbia to the stations assigned them.

Before starting on their journey, Dr. Whitman and Rev. H. H. Spalding were furnished with the following permit by the Secretary of War, Lewis Cass, to settle in Oregon. It may be that this permit caused these two gentlemen to consider the advent of the Catholic priests as interlopers, especially as they were foreigners.

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS,
March 1, 1836.

SIR:—At the request of the Rev. Mr. Green, of Boston, Massachusetts, I enclose you a permit for yourself and Dr. Marcus Whitman to reside in the Indian country among the Flathead and Nez Perces Indians.

Very respectfully, ALBERT HERRING.

REV. H. H. SPALDING, St. Louis, Mo.

The American Board of Foreign Missions having apprised the Department, that they have appointed Dr. Marcus Whitman and Rev. H. H. Spalding, both of the state of New York, to be missionaries and teachers to reside in the Indian country, among the Flathead and Nez Perces Indians. Approving the designs of said board, these gentlemen are permitted to reside in the country indicated, and I recommend them to the officers of the army of the United States, to the Indian agents, and to the citizens generally; and request for them such attentions and aid as will facilitate the accomplishment of their object, and protection, should circumstances require it.

Given under my hand and seal of the War Deparment, this 1st day of March, 1836.
LEWIS CASS,
Sec'y of War.

As a description of Fort Vancouver as it appeared at that time, might prove of interest at this late day, I quote from Mr. Gray who was one of the party:

"Fort Vancouver was a stockade, built with fir logs about ten inches in diameter, set four feet in the ground, and about twenty feet above, secured by pieces of timber pinned on the inside, running diagonally around the entire stockade, which at that time covered or enclosed about two acres of ground. The old fort as it was called was so much decayed that the new one was then being built, and portions of the old one replaced. The storehouses were all built of hewn timbers, about six inches thick, and covered with sawed boards one foot wide and one inch thick, with grooves in the edges of the boards, placed up and down upon the roof, in place of shingles; of course, in case of knot-hole or a crack, it was a leaky concern. All the houses were covered with boards in a similar manner in the new quarters. The partitions were all upright boards planed, and the cracks battened; floors were mostly rough boards, except the office and the Governor's house, which were planed. The parsonage was what might be called of the balloon order, covered like the rest, with a big mud and stone chimney in the center. The partitions and floors were rough boards. There were but two rooms, the one used for dining room and kitchen, and the other for bed room and parlor. The doors and gates of the fort, or stockade, were all locked from the inside, and a guard stationed over the gate. In front of the Governor's house was a half circle double stairway, leading to the main hall up a flight of some ten steps. In the center of the semi-circle was one large 24-pound cannon mounted on a ship's carriage, and on either side was a small cannon, or mortar gun, with balls piled in order about them, all pointing to the main gate entrance; latterly, to protect the fort from the savages that had commenced coming over the Rocky mountains, a bastion was built, said to be for saluting Her Majesty's ships when they might arrive or depart from the country."

Naval Agent William A. Slacum was sent by the United States Government to the mouth of the Columbia, by sea, and arrived there in 1836. The following I quote from his report to the State Department, dated March 8, 1837:

"Fort Vancouver, the principal depot of the Hudson's Bay Company west of the Rocky mountains, stands on a gentle acclivity 400 yards from shore, on the north bank of the Columbia or Oregon river, about 100 miles from its mouth. The principal buildings are enclosed in a picket, forming an area of 750 by 450 feet. Within are thirty-four buildings, comprising officers' dwelling-houses, and workshops for the various mechanics, all of wood, except the magazine for powder, which is of brick. Without and near the fort, are forty-nine cabins for laborers and mechanics, a large barn and seven buildings attached thereto; an hospital and large boat house on the shore six miles from the fort. On the north bank the company have erected a sawmill on a never-failing stream which falls into the Columbia, which cuts over 2,000 feet of lumber daily, employs twenty-eight men, chiefly Sandwich Islanders, and ten yoke of oxen; the depth of water at the mill is four fathoms, where the largest ships of the company take in their cargoes for the Sandwich Island market. The farm at Vancouver contains at this time about 3,000 acres of land, fenced and under cultivation, employing generally 100 men, chiefly Canadians and half-breed Iroquois; the mechanics are Europeans. These, with the factors, traders, clerks and domestics, may be estimated at thirty. The laborers and mechanics live outside the fort in good log cabins, two or three families generally under one roof; and as nearly every man has a wife, or lives with an Indian or half-breed woman, and as each family has from two to five slaves, the whole number of persons about Vancouver may be estimated at from 750 to 800. The police of the establishment is as strict as the best-regulated military garrison. The products of the farm this year were 8,000 bushels of wheat, 5,500 of barley, 6,000 of oats, 9,000 of peas, 14,000 of potatoes, besides large quantities of turnips, rutabaga, pumpkins, etc. About 6,000 bushels of wheat, old crop, remain on hand. Stock consists of about 1,000 head of meat cattle, 700 hogs, 200 sheep, 450 to 500 horses and forty yoke of working oxen. There are a large threshing machine, distillery (not at present in operation) and a gristmill. The farm is abundantly supplied with implements for a much larger establishment, and will be much increased the ensuing year. A thriving orchard is planted. The apple, pear, quince and grape grow well. The London ship usually arrives in early spring; discharges, and takes in a cargo of lumber for the Sandwich Islands; returns in August to receive the furs that are brought to the depot (Fort Vancouver) once a year from the interior, via Columbia river, from the Snake country, and from the American rendezvous west of the Rocky mountains and from as far south as St. Francisco. While one of the company's vessels brings in the furs and peltries collected at the different depots along the coast at the north, the steamboat is employed in navigating the magnificent straits from Juan de Fuca to Stickem. Immense quantities of furs, sea otter, beaver, martin and sable, can be collected along the shores of these bays and inlets. * * An express, as it is called, goes out in March yearly from Vancouver, and ascends the Columbia 900 miles in batteaux. One of the chief factors take charge of the property, and conveys it to York Factory, on Hudson's Bay; the annual returns of the business being conducted by the Hudson's Bay Company west of the Rocky mountains, in the Columbia district. This party likewise conveys to the different forts along the route goods suitable to the Indian trade. Other parties take up supplies, as they may be required, to Walla Walla, 250 miles above Vancouver; to Colville, 600 miles above; to the fort at the junction of Lewis river, 700 miles further; to the south, to Fort M'Roye, on the River Umpqua, in latitude 43° 50′ north; and last year, Chief Trader McLeod took up to the American rendezvous, in latitude 43° north, a large supply of British manufactures. This assemblage of American trappers and hunters takes place annually on the western side of the Rocky mountains, generally in the month of July, and amounts to 450 to 500 men, who bring the result of their year's labor to sell to the American fur-traders. These persons purchase their supplies at St. Louis; and, of course, find

it hard to contend with the British company's agents, who have neither the same burden of duties on their goods, nor the same arduous journey."

Vancouver was made the headquarters in 1825, by Dr. McLoughlin, who came to this coast in 1824. In 1825, the Hudson's Bay Company had twenty-five head of cattle, all told, and as it was very expensive to obtain any by sea, Dr. McLoughlin decided that none should be killed, except one bull calf annually for rennet to make cheese. This band of cattle had increased considerably, and Dr. McLoughlin made a rule to loan cows to those who wished them for milk, but reserved the ownership and increase. The reason he would not sell, was that those who had the means would make purchases and then speculate upon their poorer neighbors.

There arrived in the Willamette valley from California in October, 1834, the party of Hall J. Kelly and Ewing Young, with a band of nearly one hundred horses and mules. Kelly has already been spoken of as having been for years imbued with the idea of forming American settlements in Oregon, and he now entered the country for the first time, to lay the foundation for the consummation of his long cherished plans. They were denied admission to Fort Vancouver where they arrived October 15, in consequence of a letter which had been received by Chief Factor McLoughlin from the Governor of California in which Kelly and Young were denounced as horse thieves, and their party as banditti. But as Kelly was suffering with a relapse of fever, of which he had a severe attack while crossing the mountains of Southern Oregon, he was furnished with a hut outside of the fort, with medical aid and all else necessary for his comfort during the winter. This treatment, although humane, would have been more cordial if the letter had not been received as above spoken of. In the following March (1835) Kelly discouraged and disheartened, took passage in the company's ship *Dryad*, Capt. Keplin for the Hawaiian Islands; and never returned to the country which had so long been the subject of his fondest hopes and brightest dreams.

After leaving Fort Vancouver, Young had returned to French Prairie in the Willamette valley, where he found that the people had been cautioned by means of posted notices, to receive neither him nor any of his party of bandits into their houses. Young tore down the notices in a rage, and by his indignant denials of the charges against him so far modified the opinion of McLoughlin concerning him that the latter wrote to Figuerra in the spring when the *Cadbow* returned to California, to learn the basis of the charges against Young. An answer to this letter was received upon the next arrival of the *Cadbow*, stating that the real thieves, who started with Young, had left his party when they found they were under suspicion. This letter exonorated Young, and together with his straightforward course since arriving in the country, went far toward repairing the mischief that had been done in the first report. Young had located in the Chehalem valley, opposite Champœg on the Willamette river, where he devoted himself to raising horses, and afterwards erected a sawmill and distillery, being assisted in the latter by Lawrence Carmichael who had accompanied him from California; but upon receiving a letter from the missionaries and other settlers asking him for the best interest of the community to desist from his undertaking, and offering to reimburse him for his expenditures, abandoned his distillery, but would accept no compensation for his loss. Being of a practical turn and realizing the necessity for cattle in the country, aside from the few owned by the Hudson's Bay Company, Young suggested the formation of a company to purchase cattle in California where they could be bought very cheaply. A meeting was accordingly called at Champœg for that purpose, which was largely attended by both Canadians, and Americans; where, with the active influence of Rev. Jason Lee, a company known as the Willamette Cattle Company, was formed with Young as superintendent, Lee as financial agent, and P. L. Edwards as treasurer. The sum of $1,600 was raised in the Willamette valley, $500 being contributed by Naval Agent Slacum and the remainder raised among the settlers. Notwithstanding the statement in Hines *Oregon History* p. 23, that the organization of the company was indirectly opposed by the authorities at Fort Vancouver; and in *Gray's* 156; that they did it *directly* and did all they dared to do, openly and secretly, to prevent the bringing of that band of cattle into the country; and the more serious charges, which is more than implied by Mr. Gray, that the Hudson's Bay Company incited the Rogue River Indians to destroy the expedition, when returning from California with the cattle. There is very good evidence that Dr. McLoughlin subscribed a considerable portion of the cattle company's capital. The exact amount subscribed by him is not clearly settled.[1]

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[1] Daniel Lee states, *Lee and Frost's Oregon* 144–6, that 800 were purchased at $3 per head-
and forty horses at $12 a head, making the whole outlay $2,880; but does not account for the sub-
scription to the capital of any more than $1,600 furnished by Slacum and the settlers. *Bancroft*
Hist. of Orn. 141 says that nearly $900 was added by McLoughlin; but Lee says that the whole out-
lay was $2,880, is true, it is likely that McLoughlin's claim that he took half the stock is more
nearly correct, as $1,280 must be accounted for in addition to the $1,600 taken by Slacum and the
settlers.

The following is Dr. McLoughlin's statement on the subject:

> "In 1836 we found means of forming a company to go to California for cattle. I took half the stock for the Hudson Bay Company, so that by purchasing a larger number (as the expense of driving five hundred or a thousand was the same) as it would make the cattle cheaper. Those of the settlers that had means put it in the stock, those that had none, engaged as drivers at one dollar per day to be paid in cattle at their actual cost. Mr. Slacum, who came here in a chartered vessel, gave them a passage gratis from this place to San Francisco. Mr. Ewing Young was selected to conduct the party. Mr. P. L. Edwards, who came with Messrs. Lee, of the Methodist Mission, but now a lawyer in California, was appointed treasurer. They bought, I think, about seven hundred head of cattle, which cost eight dollars per head rendered. In the Willamette, the settlers kept the tame and broken-in oxen they had belonging to the Hudson Bay Company, and gave their California wild cattle in the place, so that they found themselves stocked with tame cattle which cost them only eight dollars per head, and the Hudson Bay Company, to favor the settlers, took calves in place of grown up cattle, because the Hudson Bay Company wanted them for beef. These calves would grow up before they were required."
> —*McLoughlin's MS.*

I can find no authority in any of the writings by Americans or British, which could possibly lead to the conclusion that the Hudson's Bay Company had anything to do with the attack upon Young and party by the Rogue River Indians; a charge which is likewise a charge against Dr. McLoughlin, as he was the head of the company, and no order or action was taken by any officer or servant without his direction or sanction. Moreover, it is well known that the Rogue River Indians, from the first time they ever saw a white man, were robbers, thieves and murderers, always ready to attack any party they thought possible to destroy, a characteristic which they maintained until finally subdued and expelled from this country years afterward.

In May, 1837, the Methodist mission received a reinforcement of nine men and seven women, the latter being the first to come to the Methodist. Of the party there were several men who assisted materially in the formation of the Provisional Government. During the same year quite a number of Independent settlers arrived, and the number increased up to 1840, when the missionaries and others numbered about 137 and 63 Canadians,[1] mostly in the Willamette valley.

On March 16, 1838, a mass meeting of the citizens was held in the Willamette valley, and the following memorial was drawn up and sent to Mr. Linn, who presented it to the Senate, Monday, January 28, 1839:

> *To the Honorable the Senate and House of Representatives of the United States of America:* The undersigned, settlers of the Columbia river, beg leave to represent to your honorable body, that our settlement, began in the year 1832,

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[1] Gray's History, p. 192.

has hitherto prospered beyond the most sanguine expectations of its first projectors. The products of our fields have amply justified the most flattering descriptions of the fertility of the soil, while the facilities which it affords for raising cattle are, perhaps, exceeded by those of no country in North America. The people of the United States, we believe, are not generally apprised of the extent of valuable country west of the Rocky mountains. A large portion of the territory from the Columbia river south, to the boundary line between the United States and the Mexican Republic, and extending from the coast of the Pacific about 250 or 300 miles to the interior, is either well supplied with timber or adapted to pasturage or agriculture. The fertile valleys of the Willamette and Umpqua are varied with prairies and woodland, and intersected by abundant lateral streams, presenting facilities for machinery. Perhaps no country, of the same latitude, is favored with a climate so mild. The winter rains, it is true, are an objection; but they are generally preferred to the snows and intense cold which prevails in the northern parts of the United States. The ground is seldom covered with snow, nor does it ever remain but a few hours.

We need hardly allude to the commercial advantages of the territory. Its happy position for trade with China, India and the western coast of America will be readily recognized. The growing importance, however, of the islands of the Pacific is not so generally known and appreciated. As these islands progress in civilization their demand for the produce of more northern climates will increase. Nor can any country supply them with beef, flour, etc., on terms so advantageous as this. A very successful effort has been recently made at the Sandwich Islands in the cultivation of coffee and sugar cane. A colony here will, in time, thence easily derive these articles and other tropical products in exchange for the products of their own labor. We have briefly alluded to the natural resources of the country, and to its external relations. They are, in our opinion, strong inducements for the Government of the United States to take formal and speedy possession. We urge this step as promising to the general interests of the nation. But the advantages it may confer upon us, and the evils it may avert from our posterity, are incalculable.

Our social intercourse has thus far been prosecuted with reference to feelings of honor, to the feelings of dependence on the Hudson's Bay Company, and to their moral influence. Under this state of things, we have thus far prospered, but we cannot hope that it will continue. The agricultural and other resources of the country cannot fail to induce emigration and commerce. As our settlement begins to draw its supplies through other channels, the feeling of dependence upon the Hudson's Bay Company, which we have alluded to as one of the safeguards of our social intercourse, will begin to diminish. We are anxious when we imagine what will be, what must be, the condition of so mixed a community, free from all legal restraint, and superior to that moral influence which has hitherto been the pledge of our safety.

Our interests are identified with those of the country of our adoption. We flatter ourselves that we are the germ of a great state, and are anxious to give an early tone to the moral and intellectual character of its citizens. We are fully aware, too, that the destinies of our posterity will be intimately affected by the character of those who emigrate to the country. The territory must populate. The Congress of the United States must say by whom. The natural resources of the country, with a well-judged civil code, will invite a good community. But a good community will hardly emigrate to a country which promises no protection for life or property. Inquiries have already been submitted to some of us for information of the country. In return, we can only speak of a country highly favored by nature. We can boast of no civil code. We can promise no protection but the ulterior resort of self-defense. By whom, then, shall our country be populated? By the reckless and unprincipled adventurer, not by the hardy and enterprising pioneer of the west. By the Botany-boy refugee, by the renegade of civilization from the Rocky mountains, by the profligate, deserted seamen from Polynesia, and the unprincipled sharpers from South America. Well are we assured that it will cost the Government of the United States more to reduce elements of discord to social order, than to promote our permanent peace and prosperity by a timely action of Congress. Nor can we suppose that so vicious a population could be relied on in case of a rupture between the United States and any other power.

Our intercourse with the natives among us, guided much by the same influence which has promoted harmony among ourselves, has been generally pacific. But the same causes which will interrupt harmony among ourselves, will also interrupt our friendly relations with the natives. It is, therefore, of primary importance, both to them and to us, that the Government should take energetic measures to secure the execution of all laws affecting Indian trade and the intercourse of white men and Indians. We have thus briefly shown that the security of our persons and our property, the hopes and destinies of our children are involved in the objects of our petitions. We do not persume to suggest the manner in which the country should be occupied by the Government, nor the extent to which our settlement should be encouraged. We confide in the wisdom of our national legislators, and leave the subject to their candid deliberations, and your petitioners will ever pray.

J. L. WHITCOMB,
And thirty-five others.

March 16, 1838.[1]

Wednesday, February 7, 1838, "Mr. Linn, of Missouri, on leave, introduced a bill authorizing the occupation of the Columbia or Oregon river. [Establishing a territory north of latitude 42°, and west of the Rocky mountains, to be called the Oregon territory; authorizing the establishment of a fort on that river, and the occupation of the country by the military force of the United States; establishing a port of entry, and requiring that the country should then be held subject to the revenue laws of the United States; with an appropriation of $50,000.]

This bill was referred to a select committee of five, with Mr. Linn as chairman, and on February 13, he introduced a resolution "calling upon the Secretary of War for information in his possession and a map embracing recent discoveries in the country claimed by the United States in the western slope of the Rocky mountains to the Pacific ocean."

May 6, 1838, a detailed report was ordered printed, but I have been unable to find or obtain a copy. This bill did not pass, as the Southern members opposed everything pertaining to Oregon on account of the "everlasting nigger," while some of the Northern members were afraid of creating trouble with Great Britain, and could not be made to believe that the country was worth quarreling about.

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[1] Bancroft says this was signed by ten preachers and laymen, Ewing Young and ten other colonists, and nine French Canadians, and at the same time took occasion to make some very unjust remarks in regard to Rev. Jason Lee.

During this year (1838), the American Board of Commissioners of Foreign Missions sent Mr. William H. Gray and wife, Revs. Elkanah Walker and wife and Cushing Eells and wife, and A. B. Smith and wife, and Cornelius Rogers, as reinforcement to the church denomination of Dr. Whitman, and reached the latter's station in September of that year. Of this party, Mr. Gray had returned the year before for that purpose. This same year Revs. F. N. Blanchet and Demerre came as missionaries of the Catholic faith. The three principal churches in the country at this time were represented by Congregationalists, thirteen; Methodist Episcopal church, sixteen; Catholics, two, being a total of thirty-one, and were distributed as follows: Congregationalists, in what is now Eastern Oregon and Washington; Methodists, in the Willamette valley, with one station at The Dalles; the Catholics, with headquarters at Vancouver.[1]

"The first printing press in Oregon was received as a donation from the mission of the American Board of Foreign Missions in the Sandwich Islands to the mission of the board in Oregon. It reached its destination at Lapwai, and was put in operation by Mr. E. O. Hall, of the Sandwich Islands Mission, and commenced printing books in the Nez Perce language. Both Mr. Rogers and Mr. Spalding soon learned to set type, and print the small books required for the Indian schools that had been kept at the stations. The books and instructions were furnished gratuitously to all the Indians that wished to receive them."[2] From a letter written to me by Mr. M. G. Foisy (only a short time previous to his death), dated Gervais, March 3, 1879, he says: * * * In 1844-1845 I printed for Rev. H. H.

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[1] On June 26, 1838, Mrs. Anna Maria Pitman, wife of Rev. Jason Lee, died at the mission, about eight miles below Salem. Afterwards she was taken up and removed to the Mission cemetery at Salem, where a plain tombstone was erected, on which was inscribed the following: "Beneath this sod, the first ever broken in Oregon for the reception of a white mother and child, lie buried the remains of Anna Maria Pitman, wife of Rev. Jason Lee, and infant son. She sailed from New York in July, 1836; landed in Oregon, June, 1837; was married in July, 1837, and died June 26, 1838, in the full enjoyment of that love which constrained her to leave all for Christ and heathen souls. So we have left all and followed Thee; what shall we have therefore." In this same cemetery Rev. David Leslie, wife and one daughter, Rev. A. F. Waller and several of his family, and other early missionaries and settlers are buried.

[2] Gray's History, p. 184.

Spalding and Dr. Whitman a small Nez Percę and English vocabulary and Matthews' gospel, translated by them.[1]

When the station at Lapwai was abandoned by Rev. H. H. Spalding, the printing press and material was brought to the Willamette valley, and through the efforts of the late Judge J. Quinn Thornton, it was donated to the State of Oregon and placed in charge of the Secretary of State. It is now looked upon as a curosity, being what is called a Ramage press and can only take a form about 12x14. The ink was first distributed by "inkballs," made out of wool and covered with leather, but Mr. Foisy made a roller which is still with it, but shows great age.

While the people of Oregon were doing all that they could to attract the attention of Congress, there were a great many in the Eastern and Western State who were moving in the same direction. The following is a sample of the petitions received by that body:

To the honorable Senate and House of Representatives of the United States: Your petitioners would respectfully represent to your honorable bodies that they have with other gentlemen formed an association by the name of the Oregon Provisional Emigration Society, the object of which is to plant in the United States territory west of the Rocky mountains, settlements of American citizens of undoubted character for christian morality, and in order the more safely and advantageously to accomplish their purposes, they pray that such special privileges and immunities may be granted them as shall in the judgment of your honorable bodies be consistent with the honor and interests of the United States, and calculated to promote the welfare of settlers in Oregon.

January 22, 1839.

Charles Haywood,
A. D. Sargeant,
Fredrick P. Tracy,
Wm. B. Pike,
Cha's. K. True,
William Walden,
Sanford Benton,
Amos Walton,
Stephen G. Hiler, Jr.,
Joshua B. Harrison,
James Pool,
Dexter S. King.

During the year 1839, the settlements of Oregon were augmented by the arrival of several Americans, also the missionary ship *Lausanne*, Captain Spaulding, arrived in June, with a large and well equipped reinforcement to the Methodist mission; there being eight ministers, five laymen, one physician — all accompanied by their wives, fifteen children and five single ladies—forty-eight in all. This expedition cost about $42,000. During this year, Mrs. Whitman gave birth to a daughter, the first white child born on the Pacific coast, who was drowned in the Walla Walla river two years afterwards; Mrs. Spalding the second, a daughter, and Mrs. Elkanah Walker, the first son.

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[1] Mr. Foisy was a French Canadian, and a printer by trade; he came to this country from St. Louis in 1844, and for a number of years he lived near Gervais, where he died respected and honored by all.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners represent unto your honorable bodies, that they are residents in the Oregon territory, and citizens of the United States, or persons desirous of becoming such.

They further represent to your honorable bodies, that they have settled themselves in said territory, under the belief that it was a portion of the public domain of said states, and that they might rely upon the Government thereof for the blessings of free institutions, and the protection of its arms.

But your petitioners further represent, that they are uninformed of any acts of said Government by which its institutions and protection are extended them; in consequence whereof, themselves and families are exposed to be destroyed by the savages around them, and others that would do them harm.

And your petitioners would further represent, that they have no means of protecting their own and the lives of their families, other than self-constituted tribunals, originating and sustained by the power of an ill-instructed public opinion, and the resort to force and arms.

And your petitioners represent these means of safety to be an insufficent safeguard of life and property, and that the crimes of theft, murder, infanticide, &c., are increasing among them to an alarming extent; and your petitioners declare themselves unable to arrest this progress of crime, and its terrible consequences, without the aid of law, and tribunals to administer it.

Your petitioners therefore pray the congress of the United States of America to establish, as soon as may be, a territorial government in the Oregon territory.

And if reasons other than those above presented were needed to induce your honorable bodies to grant the prayer of the undersigned, your petitioners, they would be found in the value of this territory to the nation, and the alarming circumstances that portend its loss.

Your petitioners, in view of these last considerations, would represent that the English Government has had a surveying squadron on the Oregon coast for the last two years, employed in making accurate surveys of all its rivers, bays, and harbors; and that, recently, the said Government is said to have made a grant to the Hudson's Bay Company, of lands lying between the Columbia river and Puget's Sound; and that said company is actually exercising unequivocal acts of ownership over said lands thus granted, and opening extensive farms upon the same.

And your petitioners represent that these circumstances, connected with other acts of said company to the same effect, and their declarations that the English Government own and will hold, as its own soil, that portion of the Oregon territory situated north of the Columbia river, together with the important fact that the said company are cutting and sawing into lumber, and shipping to foreign ports, vast quantities of the finest pine trees upon the navigable waters of the Columbia, have led your petitioners to apprehend that the English Government do intend, at all events, to hold that portion of this territory lying north of the Columbia river.

And your petitioners represent, that the said territory, north of the Columbia, is an invaluabe possession to the American Union; that in and about Puget's Sound, are the only harbors of easy access, and commodious and safe, upon the whole coast of the territory; and that a great part of this said northern portion of the Oregon territory is rich in timber, water power, and valuable minerals. For these and other reasons, your petitioners pray that Congress will establish its sovereignty over said territory.

Your petitioners would further represent, that the country south of the Columbia river and north of the Mexican line, and extending from the Pacific ocean one hundred and twenty miles in the interior, is of unequaled beauty and fertility. Its mountains, covered with perpetual snows, pouring into the prairies around their bases transparent streams of the purest water; the white and black oak, pine and cedar, and fir forests that divide the prairies into sections convenient for farming purposes; the rich mines of coal in its hills, and salt springs in its valleys, its quarries of limestone, sandstone, chalk, and marble; the salmon of its rivers, and the various blessings of the delightful and healthy climate, are known to us, and impress your petitioners with the belief that this is one of the most favored portions of the globe.

Indeed, the deserts of the interior have their wealth of perpetual pasturage, and their lakes evaporating in summer, and leaving in their basins hundreds of bushels of the purest soda. Many other circumstances could be named, showing the importance of this territory in a national, commercial, and agricultural point of view. And, although your petitioners would not undervalue considerations of this kind, yet they beg leave especially to call the attention of Congress to their own condition as an infant colony, without military force or civil institutions, to protect their lives, and property, and children, sanctuaries and tombs, from the hands of uncivilized and merciless savages around them. We respectfully ask for the civil institutions of the American Republic. We pray for the high privileges of American citizenship; the peaceful enjoyment of life; the right of acquiring, possessing, and using property; and the unrestrained pursuits of rational happiness. And for this your petitioners will forever pray.

DAVID LESLIE, and others.

Feb. 27, 1840, Mr. Toppan of Ohio, presented a petition from 238 citizens of that state, asking aid of Congress in making a settlement in Oregon territory, on Lewis river, by making such grants as may be deemed proper. On the same day Mr. Allen presented a petition from 133 citizens of Ohio, praying that the laws of the United States may be extended over the territory of Oregon.[1]

OREGON.—The bill submitted by Mr. Linn, in the Senate of the United States relates, relative to this fine territory, proposes that Congress shall provide a bounty of 640 acres of land for every white male inhabitant of said territory of the age of 18 years, or upwards, who shall cultivate and use the same for five consecutive years. There has never been a final adjustment of the question between this country and Great Britain concerning the right to the Oregon region. Our claim rests partly upon the first discovery of the mouth of the Columbia or Oregon river and the subsequent exploration of the country by Lewis and Clarke; and the right is still further secured by the Florida treaty, which vests in the United States all the rights of Spain in the northwest from California to the Russian settlements. The Spanish explorations of the coast were made earlier than those of England, and so far as such priority may give superior right the same belongs to the United States by virtue of the transfer from Spain. In our treaties and negotiations with England, the settlement of our exact boundary line in this direction has always been deferred or left incomplete. In the meantime a powerful agent or instrument of British influnce, the Hudson's Bay Company, has fixed itself upon the territory and has extended its operations over a vast region. Within a year or two past the attention of public men in this country has been turned occasionally to the subject, and its great importance is beginning to be acknowledged. It will perhaps cost some trouble to retrieve what has been suffered to go contrary to our interests and rights, through remissness on the part of the nation hitherto.—*Baltimore American*.—1840.

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[1] Niles' Register, March 7, 1840.

On April 21, 1840, Senator Young, presented from Levi Young and other citizens of Kentucky, asking grants of lands in Oregon, and permission to take their negroes with them, and that John Rowan, of Kentucky, be appointed Governor of the territory.

March 31, 1840, Mr. Linn from the select committee on the Oregon territory, to which was referred the resolution of Dec. 18, and placed upon the orders of the day and awaits its turn to be considered: Joint resolution to authorize the adoption of measures for the occupation and settlement of the territory of Oregon.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of the United States to the territory of Oregon is certain and will not be abandoned. That the President of the United States be, and he is hereby, authorized to take immediate measures to have the boundaries of the United States on the Pacific frontier ascertained and fixed, and in the meantime to take measures as may be necessary to protect the persons and property of our citizens residing or trading in the territory of Oregon.

That the President of the United States is hereby authorized to cause to be erected at suitable places and distances a line of military posts from Fort Leavenworth to the Rocky mountains, for the better protection and encouragement of the Indian trade, and for the preservation of peace between the whites and Indians.

That, as soon as the boundaries of the Oregon territory are indisputably determined, one thousand acres of land shall be granted to every white male inhabitant of said territory, of the age of 18 years and upwards, who shall cultivate and use the same for five consecutive years, or to his heir or heirs at law, if such there be.

That the President is hereby authorized to appoint an additional Indian agent, whose duty it shall be (under his direction and control) to superintend the interests of the United States with any or every Indian tribe west of any agency now established by law.

That the sum of —— dollars be appropriated out of any money in the treasury not otherwise appropriated, to carry into effect the foregoing resolution.

From the meagre notices to be found in the proceedings of Congress, it is evident that president making was far more interesting than the discussion of the Oregon question, and a long speech on slavery was more important than that of the encroachment of the Hudson's Bay Company and their robbing the northwest territory of millions of dollars worth of furs annually.

The following was published in *Hunt's Merchants Magazine*, 1842, although rather lengthy, it contains a great deal of information and will repay reading:

"It was long after the discovery of this continent by Christopher Columbus, before it became known in its full extent to the civilized portion of mankind. In the year 1513, Vasco Nunez de Balboa, who was at that time the Governor of a colony of Spain, located at Darien, on the coast of the Atlantic ocean, while directing a march across the mountains in that vicinity, found his progress interrupted by an immense sea stretching off into the western horizon. The publication of this discovery led at once to the conjecture that this was the great southern ocean, the search for which had so long inspired and baffled the zeal of navigators. From its juxtaposition to the Atlantic, it was supposed that the two seas were connected with each other, and the aim thereafter was to discover the spot where their waters intermingled. It was calculated by the Spanish adventurers that this point must lie somewhere in the neighborhood of the Isthmus of Darien, and their researches were mostly directed towards that region. In the meanwhile, Fernando Magellan, a distinguished Portugese navigator, having in vain importuned his own Government, lent himself to the service of Spain; and in the year 1519, made a voyage to the East Indies, through the strait which now bears his name. This important discovery was regarded as demonstrating the practicability of circumnavigating the globe. But the route which it opened to the East Indies was found to be long and perilous, and the advantages resulting, hardly compensated for the difficulties encountered in prosecuting the trade through this line of communication.

A still more interesting and important discovery was made in the year 1517, which revealed to the astonished world the extensive and flourishing empire of Mexico. It was subsequently conquered by Hernan Cortez, who marched to its capitol, dethroned its monarch, struck terror into the hearts of his subjects, and reduced his magnificent kingdom to the dominion of Spain, having firmly established his authority, he immediately commenced exploring the seas and country adjacent. By his splendid and fortunate enterprises having discovered that the interior country was unoccupied by any powerful tribes, and that the two great oceans were wholly separated from each other, he directed his expeditions towards the northward, whither he penetrated as far as the southern entrance to the peninsula of California, which he supposed to be an island. Hurtaclo, Mendoza, Ulloa, Conovado and others, successively pushed on these researches until their discoveries included the whole of New Spain. They accomplished no further laudable results, however, than to explode the idea of the existence of the magnificent and opulent cities of Cibola, which had so long fascinated and bewildered the imaginations of adventurers. The descriptions given of these voyages and discoveries, are very obscure and imperfect. They were generally written by persons who were unacquainted with the geography of the earth, who knew nothing of the advantages derived by navigation from astronomical observations, and who seem to have paid no regard to latitude and longitude. These circumstances have caused a great degree of inacuracy in their statements, and render it almost impossible to determine the localities of the places they pretend to describe, or the actual extent of their discoveries. We are left almost entirely to conjecture in supplying these deficiencies, till we come down to the narratives given of the voyages of Juan de Fuca in the year 1592. It is supposed that he penetrated as far north as Vancouver's Island, inasmuch as his description of what was then supposed to be the northwest passage is perfectly in accordance with those subsequently given of the straits which separate that island from the mainland. He passed through these straits, with an air of triumph, turned his course again southward, as if he had solved this great question. The representation that this grand discovery had been made, and that the country beyond was inhabited by affluent and powerful nations, induced the Spanish Government to institute a more particular investigation of the subject. An expedition was accordingly fitted out for this purpose, under the direction of Sebastian Viscaino, which sailed from Acapulco on the 5th of May, 1602.

After having reached the western side of California, and surveyed and examined the coast and territory adjoining, Viscaino proceeded still further northward, and is said to have entered the mouth of a large river, in about the 42-43° of latitude, which has never yet been sufficiently identified. He subsequently returned to Spain, where, upon relating the success of his adventures, he obtained from Philip III, orders for carrying out some plans which he had projected for establishing trading settlements on the coast. His death which occurred in Mexico in 1606, prevented the execution of these designs, and suspended the adventures of the Spaniards in that region for a period of about 160 years. The subsequent most important and interesting discoveries connected with this portion of our continent, were made by Russia, in about the beginning of the eighteenth century. The conquests which she had obtained over Kamschatcha, and the country which intervened between that and Europe, inspired the desire still further to extend her domains. Ambitious to establish the sway of his scepter beyond those barriers, the Czar became anxious to discover whether the waters which laved the shores of Kamschatcha communicated directly with those of the Pacific ocean. To the result of the several expeditions fitted out for this purpose, under the directions successively of Behring, Tchiroff, and Spangberg, is Russia indebted for her possessions in North America.

These were followed by the Government of Great Britain, which thereafter became deeply interested in the controversy respecting the existence of a northwest passage between the two oceans. She dispatched two several expeditions for the purpose of solving the question, one of which was directed to Baffin's bay, under Clarke; and the other to the Pacific, under Captain Cook. We derive from the narratives of Captain Cook the most complete and accurate account of the northwest coast of America that has yet been given. He was followed by Mears in 1788, and Vancouver in 1792, who were sent out by the same Government. To the discoveries by these navigators the Government of Great Britain refers their title to the countries watered by the Columbia, the justice of which will be hereafter developed. But we are not indebted to the more daring and active enterprise of our own New England traders, for those more full and accurate accounts of the territory and resources of Oregon, which render it an object of interesting speculation at the present day. In the year 1791, several vessels arrived in the waters of the North Pacific ocean, among which was the *Columbia*, under the command of Captain Gray, from Boston. This enterprising adventurer had before visited these seas in the years 1787-1788, under the direction of a company of merchants of that city, formed with a view to participate in the advantages of the fur trade of that region. He then made many important observations and discoveries, and extensively unfolded the commercial capabilities and resources of the country. He sailed from Boston on this last expedition in May, 1790, and reached the coast of North America in the year following, a little northward of Cape Mendocino, and sailed along the coast towards Nootka. In about latitude 46° 16′ Captain Gray described an inlet, which he attempted to enter, but the outflowing current was so strong as to baffle all his efforts to effect an entrance, although he spent nine days in endeavoring to do so. He at length pursued his voyage northward, and on the 5th of June he anchored in the harbor of Clayoquot, near Nootka. From this point he sailed to Queen Charlotte's island, and on the 15th of August he observed an opening under the parallel of 54½°, which he entered, and sailed to the distance of more than eighty miles in a northeasterly direction. The channel was discovered to be exceedingly broad and deep, and the stream seemed to extend far beyond the distance already traversed in the same direction. He returned again to Clayoquot without pursuing the adventure any further, and under the persuasion that this was the *Rio de los Royes*, which was represented to be the route through which Admiral Fonte pursued his way to the Atlantic in 1640. It has been since called the Portland canal. Captain Gray wintered at Clayoquot, in a fortification which he erected on the shore and called Fort Defiance. He also here built and launched a schooner, which he called *The Enterprise*, and which was the first American vessel built on these shores. In the month of August, in this same year, Captain Kendrick (who had accompanied Captain Gray in his first expedition, and had remained in these seas with the *Washington*, during Gray's return to Boston) was anchored in Nootka sound. Having reason to apprehend hostilities from the Spaniards, and supposing that an opening might exist at the northwestern extremity of the harbor, he determined to make his escape to the sea in that direction. In this he was successful, and he named the channel thus discovered Massachusett's sound. He also purchased from several of the native chiefs large tracts of land near Nootka, which were transferred by deeds *marked* by the chiefs, witnessed by several of the officers and crew of the *Washington*, and authenticated by a notary at Macao. In 1840 an application was pending in Congress, made by the representatives of the owners and captain of the *Washington*, to confirm this title to these lands. After making this purchase Kendrick sailed for the Sandwich Islands.

In April, 1792, Captain Gray sailed from his winter quarters at Clayoquot, when he fell in with the English navigator Vancouver, at the entrance of the Strait of Fuca. He informed Vancouver that he had entered an inlet to the northward in latitude 54½°, into which he had sailed as far as the 56° of latitude, without discovering its termination. That he had also stood off the mouth of a river, in the latitude of 46° 10′, whose current was so strong that it presented an effectual bar to his entrance, although he had spent nine days in the effort. Vancouver supposed this to be an opening which he had represented that he himself had passed on the forenoon of the 27th of April, and which he declared was *apparently* inaccessible, not from the current, but owing to the breakers which extended across its entrance.

In his narrative, under date of April 30, 1792, Captain Vancouver says: "We have now explored a part of the American continent, extending nearly 215 leagues, under the most fortunate and favorable circumstances of wind and weather. So minutely has this extensive coast been inspected, that the surf has been constantly seen to break on its shores from the mast head; and it was but in a few small intervals only where our distance precluded it being visible from the deck. It must be considered as a very singular circumstance, that, in so great an extent of sea coast, we should not *until now* have seen the appearance of any opening in its shores, which presented any certain prospect of affording shelter; the whole coast forming one compact, solid, and nearly straight barrier against the sea. The river mentioned by Mr. Gray, should, from the latitude as assigned to it, have existed in the bay south of Cape Disappointment. This we *passed* in the forenoon of the 27th, and, as I then observed, if any inlet or river *should be found* it must be a very intricate one, and inaccessible to vessels of our burthen, owing to the reefs and broken water which then appeared in its neighborhood. Mr. Gray stated that he had been several days attempting to enter it, which at length he was unable to effect on account of a very strong outset. This is a phenomenon difficult to account for, as in most cases, where there are outsets of such strenth on a sea coast, there are corresponding tides setting in. Be that, however, as it may, I was thoroughly convinced, as were also most persons of observation on board, that we could not possibly have passed any safe, navigable opening, harbor, or place of security for shipping, on this coast, from Cape Mendocino to the promontory of Classet (Cape Flattery), nor had we any reason to alter our opinions, notwithstanding that theoretical geographers have thought proper to assert in that space the existence of arms of the ocean communicating with a mediterranean sea and extensive rivers, with safe and convenient ports." Whatever may have been the motives which prevented Vancouver from placing any reliance on the accounts of Captain Gray, it is evident at least from this extract, that no discoveries of the kind had been made upon this coast by the English navigators at this date. Captain Gray, however, was not contented to leave the matter thus undecided. After parting with Vancouver he proceeded southward along the coast till the 7th of May, when the record in his log-book proceeds as follows:

A. M. Being within six miles of the land, saw an entrance in the same, which had a very good appearance of a harbor; lowered away the jolly-boat, and went in search of an anchoring place, the ship standing to and fro, with a very strong weather current. At 1 P. M. the boat returned, having found no place where the ship could anchor with safety; made a sail on the ship, stood in for shore. We soon saw, from our masthead, a passage between the sand bars. At half-past 3 bore away and run in northeast by east, having from four to eight fathoms, sandy bottom; and as we drew in nearer between the bars had from ten to thirteen fathoms, having a very strong tide or ebb to stern. Many canoes alongside. At 5 P. M. came to in five fathoms of water, sandy bottom, in a safe harbor, well sheltered from the sea by long sand bars and spits. Our latitude observed this day was 46° 58′ north.

May 10. Fresh breeze and pleasant weather — many natives alongside. At noon all the canoes left us. At 1 P. M., began to unmoor, took up the best bower-anchor, and hove short on the small bower anchor. At half past 4, being high water, hove up the anchor, and came to sail, and a beating down the harbor.

May 11. At half past 7 we were out clear of the bars, and directed our course to the southward along shore. At 8 P. M., the entrance of Bulfinch's harbor bore north, distance four miles; the southern extremity of the land bore south-southeast-half-east, and the northern, north-northwest. Sent up the main top gallant yard and set all sail. At 4 P. M., saw the entrance of our desired port bearing east-southeast, distance six leagues; in steering-sails, and hauled our wind in shore. At 8 P. M., being a little to windward of the entrance of the harbor, bore away and run in east-northeast between the breakers, having from five to seven fathoms of water. When we were over the bar, we found this to be a large river of fresh water, up which we steered. Many canoes came alongside. At 1 P. M., came too with small bower in ten fathoms, black and white sand. The entrance between the bars bore west-southwest, distance ten miles. The north side of the river a half mile distance from the ship, the south side of the same two and half miles distance. A large village on the north side of the river, west by north, distant three-quarters of a mile. Vast numbers of natives came alongside. People employed in pumping the salt water out of our water casks in order to fill with fresh, which the ship floated in. So ends.

May 12. Fresh winds and rainy weather. Many natives alongside. Hove up the best bower anchor. Seamen and tradesmen at their various departments.

May 14. Fresh gales and cloudy; many natives alongside. At noon weighed and came to sail; standing up the river northeast by east we found the channel very narrow. At 4 P. M. we had sailed upwards of twelve or fifteen miles, when the channel was so very narrow that it was almost impossible to keep in it, having from three to eighteen fathoms water, sandy bottom. At half past 4 the ship took ground, but she did not stay long before she came off, without any assistance. We backed her off stern foremost into three fathoms, and let go the small bower, and moored the ship with hedge and hawser. The jolly-boat was sent to sound the channel out, but found it not navigable any further up; so of course we must have taken the wrong channel. So ends, with rainy weather, many natives alongside.

Tuesday, May 15. Light airs and pleasant weather. Many natives from different tribes came alongside. At 10 A. M., unmoored and dropped down with the tide to a better anchoring. Smiths and other tradesmen constantly employed. In the afternoon Capt. Gray and Mr. Hoskins, in jolly-boat, went on shore to take a view of the country.

May 16. Light airs and cloudy. At 4 P. M., hove up the anchor and towed down about three miles, with the last of the ebb tide. Came into six fathoms, sandy bottom, the jolly-boat sounding the channel. At 10 A. M. a fresh breeze came up the river. With the first ebb tide we got under way and went down the river. At 1, (from its being very squally,) we came to, about two miles from the village, (Chinook,) which bore west southwest; many natives alongside. Fresh gales and squally.

May 17. Fresh winds and squally; many canoes alongside. Calkers calking the pinnace. Seamen paying the ships sides with tar; painter painting ship, smiths and carpenters at their departments.

May 18. Pleasant weather. At 4 in the morning began to heave ahead; at half-past came to sail, standing down the river with the ebb tide; at 7 (being slack water and the wind fluttering) we came to in five fathoms, sandy bottom. The entrance between the bars bore southwest, distance three miles. The north point of the harbor bore northwest, distance two miles. The south bore southeast, distance three and a half miles. At 9 a breeze sprung up from the eastward — took up the anchor and came to sail, but the wind soon came fluttering again; came to with the kedge and hawser — reeved out fifty fathoms. Noon pleasant. Latitude observed 46° 17′ north. At 1 came to sail with the first of the ebb tide, and drifted down broadside, with light airs and strong tide. At three-quarters past, a fresh wind came from the northward; wore ship and stood into the river again. At 4 came to in six fathoms. Good holding ground about six or seven miles up. Many canoes alongside.

May 19. Fresh wind and clear weather. Early a number of canoes came alongside. Seamen and tradesmen employed in their various departments.

May 20. Gentle breezes and pleasant weather. At 1 P. M (being full sea) took up anchor and made sail, standing down the river. At 2 the wind left us, we being on the bar, with a very strong tide, which set on the breakers. It was now not possible to get out without a breeze to shoot her across the tide, so we were obliged to bring up in three and a half fathoms, the tide running five knot. At three-quarters past 2 a fresh wind came in from seaward. We immediately came to sail, and beat over the bar, having from five to seven fathoms water in the channel. At 5 P. M., we were out clear of all the bars, and in twenty fathoms water. A breeze came from the southward. We bore away to the northward; set all sail to the best advantage. At 8 Cape Hancock bore southeast, distance three leagues; the northern extremity of the land in sight bore north by west. At 9 in steering and topgallant sails. Midnight light airs.

May 21. At 6 A. M., the nearest land in sight bore east-southeast, distance eight leagues. At 7 top-gallant sails and light stay-sails. At 11, steering sails fore and aft. Noon, pleasant, agreeable weather. The entrance to Bulfinch's harbor bore southeast by east-half east, distance five leagues.

Before leaving this river, Captain Gray bestowed upon it the name of his ship, the COLUMBIA. The southern side of its entrance he named *Cape Adams*, and on the north side *Cape Hancock*. This point had been previously named Cape Disappointment, by Captain Mears, in 1788, as indicative of the point where his own researches terminated, without any successful result. This territory watered by this river and its tributaries, has since been called the Oregon territory, from a tradition, said to have prevailed among the Indians near lake Superior, of the existence of a mighty river rising in that vicinity, and emptying its waters into the Pacific and which was supposed to be the Columbia. But to this expedition of Gray we must refer its first discovery, and the first accurate and satisfactory account which we have of this part of the coast of the north Pacific. In the month of October of the same year, Captain Broughton was dispatched by Vancouver, and succeeded in effecting an entrance up the same river to a distance of about ninety-two miles. The expedition of Captain Broughton, with a narrative given of his adventures by Mears, in 1788, are made the basis of the claim of the English Government to the territory of Oregon. In order to give a clear exposition of the nature of this claim, we need but quote a brief extract from the narrative of Mears, and compare it with those of Vancouver and Gray, already cited. Sailing in a southerly direction from about latitude 46° 47′ he rounded a promontory, after which he says—"A large bay, as we had imagined, opened to our view, that bore a very promising appearance, and into which we steered with very encouraging expectation. The high land that formed the boundaries of the bay was at a great distance, and a flat, level country occupied the intervening space; the bay itself took rather a westerly direction. As we steered in, the water shoaled to nine, eight, and seven fathoms, when breakers were seen from the deck, right ahead; and from the masthead they were observed to extend across the bay. We therefore hauled out, and directed our course to the opposite shore, to see if there was any channel, or if we could discover any port. The name of Cape Disappointment was given to the promontory, and the bay received the name of Deception Bay. By an indifferent meridian observation, it lies in the latitude of 46° 10′ north, and in the computed longitude of 235° 34′ east. We can now with safety assert that there is no such river as that of *Saint Roc* exists, as laid down in the Spanish charts."

It appears therefore, that Captain Mears made no discovery of any such inlet or river. The idea of its existence seems to him to have been satisfactorily disproved by his own observations of the coast. Vancouver's narrative, as we have seen is still stronger. He scouts at the descriptions of all previous adventurers, as the idle and unfounded "assertions of theoretical geographers," and claims, with an evident air of self-gratulation, the honor of having demonstrated the absurdity of the supposition. He avers, that he *minutely explored this part of the coast, under the most favorable circumstances of wind and weather*; and then positively insists upon the impossibility of examining or even approaching its shores. With these facts and circumstances before us, it cannot be questioned for a moment, that to Captain Gray belongs the honor of having first penetrated the waters of the Columbia; and that, consequently, the claim of the United States is prior to that of Great Britain. The question of right, however, is still mooted, though measures are now in progress which may eventuate in securing to the United States its undisputed possession.

From this period the shores of the North Pacific gradually became more and more familiar to all navigators. Voyages for trade and exploration were pursued until the year 1796, when the declaration of war between Great Britain and Spain withdrew the attention of those nations from the subject, and they became therefore too much engrossed in more important interests at home, to care for the progress of discovery in these seas. For nearly twenty years from this date the trade between this coast and China was carried on solely by United States vessels, or under our flag. The East India Company prohibited the trade to English merchants, and Russian vessels were excluded from the ports of China, so that few other than American ships floated on the waters of the North Pacific. The commerce was prosecuted by vessels from the United States, or from Europe, to this coast, which were laden with sugar, spirits, wine, tobacco, gunpowder, iron, firearms, and various coarse articles of woolen manufacture. These were here exchanged for furs with the natives, or at the Russian settlements, and were transported hence to China, where their proceeds were invested in articles of merchandise intended for our own or European markets. Up to this time no settlement had been made on this coast by the United States, and but little was known of the resources of the interior country. The vast multitudes of its native population which thronged around its shores for the purpose of traffic; and the imperfect and confused accounts which they gave of the neighboring country, were calculated to bewilder the fancy of the adventurers and give an unlimited range to wildest vagaries. But as the imagination wandered over the immense territory lying between the coast of the Pacific and the banks of the Mississippi, the mind grew more credulous of its suggestions. Science with here obtuse calculations, philosophy with her thousand speculations, and curiosity with her endless conjectures were busy, restless, and unsatisfied; but the hope of gain and aggrandizement above stimulated the enterprise which first penetrated those unbroken solitudes, and attempted to explore those unknown regions. In the years 1788-92, Alexander Mackenzie was employed for this purpose by the North Western Company, fur trading association of Canada, whose settlements had already extended nearly to the 59th parallel, about 800 miles beyond Lake Superior. Mackenzie spent some time in exploring a river which was then supposed to be the Columbia, but which has since been discovered to empty its waters into the Strait of Fuca, and is called Frazer river. The result of his expeditions was given to the public, in London, in 1802, together with a sketch of Canada fur trade, accompanied with suggestions as to the most advisable mode of regulating the intercourse between this part of America and China, so as to secure to Great

Britain its commercial advantages, which, it was represented, were entirely under control of "adventurers from the United States."

We allude to the explorations of Mackenzie, merely as originating that spirit of enterprise and inquiry which drew the attention of rival powers to this portion of our continent. In January, 1803, the then President of the United States addressed a confidential message to Congress, recommending the immediate adoption of measures to explore it. Captain Merriweather Lewis and William Clarke were subsequently commissioned to execute the proposed undertaking. They were instructed "to explore the river Missouri and its principal branches to their sources; and seek and trace to its termination in the Pacific, some stream, whether the Columbia, the Oregon, the Colorado, or any other, which might offer the most direct and practicable water communication across the continent, for the purposes of commerce." On May 14, 1804, Captains Lewis and Clarke, in pursuance of these instructions, launched their barks on the waters of the Missouri. The course of this river was then scarcely known; its shores were occupied by numerous and hostile tribes of Indians, while many difficulties and privations, arising from other sources, embarrassed their progress. Toward the end of October, however, they had reached to about 1,600 miles from the mouth of the river, where they remained until April, 1805. In the summer succeeding they arrived at its headwaters, which took their rise amoung the Rocky mountains. After a tedious march over the great dividing ridge, a new and inviting scene of adventure opened before them. We can hardly conceive of anything equal to the delight they must have experienced, as they descended from these rugged heights to a plain of country wholly unknown to the world which they had left behind them, and whose luxuriant wilderness was now for the first time gazed upon by the eye of civilized men. They must have trod its soil with a sacred awe as they penetrated its deep solitudes, and hesitated long, before they launched their frail barks, to disturb the serenity which had for untold ages reigned over its quiet waters. On the 7th of October they fell in with a stream upon which they embarked in their canoes. Borne along on its gentle current, they were wafted into a nobler river, stretching and widening in its course, and swelling with the waters of many beautiful tributaries, till it bore them onward into the broad bosom of the Pacific ocean. The stream on which they first embarked was discovered to be a branch of the Columbia river, which they named Lewis river. After a few days they reached its confluence with another great branch, which they called Clarke river. These two united to form the Columbia, through which, on the 15th day of November, they arrived at Cape Dissapointment, the northern side of its entrance into the Pacific, and about 4,000 miles from the place of their departure. They formed an encampment near the mouth of the Columbia, which they called *Fort Clatsop*, where they spent the succeeding winter. They found the natives already too well accustomed to the presence of white men to be disturbed by their appearance among them, and easily supplied themselves with the necessary appliances for comfort and subsistence. On March 13, 1806, they commenced their return. They rowed their canoes up the Columbia till they reached its falls, about 160 miles from its mouth; whence they prosecuted their journey together by land till they reached the Rocky mountains. Here they divided into two parties, one of which struck directly eastward for the Missouri, while the other took a southerly direction toward the Yellow Stone, through which they reached the Missouri. The two parties met again at a short distance below the point where the two streams unite, and arrived at St. Louis on the 23d day of September following. The narratives of these two skilled and scientific adventurers furnishes the first accurate knowledge we have of the territory of Oregon. It was not published till the year 1814. But long before this period the results of their researches had become generally known, and had caused both the English and American merchants to take a lively and more active interest in the vast resources which were thus opened to the speculations of commercial enterprise. The first attempt to establish a settlement in the territory was made by the Missouri Fur Company, of St. Louis, in 1808. This company planted several posts on the upper Missouri, and on the headwaters of the Lewis river, beyond the Rocky mountains, for the purpose of establishing a regular trade, which is said to have been the first settlement ever made by white men in the territory watered by the Columbia and its tributaries. The project however met with much opposition and hostility from the natives, and lingered in a feeble condition till the year 1810, when it was abandoned.

At this time the Pacific Fur Company was established in the city of New York, under the auspices and control of John Jacob Astor, a German merchant, possessing immense capital, and great commercial sagacity. He proposed to establish a post or settlement at the mouth of the Columbia river, which should be the grand depository for furs collected at the minor posts to be established at various points along the shores of the Pacific, the branches of the Columbia, and the headwaters of the Missouri. Ships were to be sent annually from New York to this grand depot, where they were to discharge their cargoes, were then laden with the furs, with which they were to proceed to China, where these were to be exchanged at a high rate for teas, silks, and other articles of merchandise destined for the New York market. This splendid project was no sooner conceived by Mr. Astor, than, availing himself of his ample means, he at once undertook to carry it into execution. With this view he planned two expeditions. In September, 1810, he dispatched a party on board the ship *Tonquin*, which sailed from New York for the Columbia, under the direction of Captain Thorne. Soon after her arrival at the mouth of the Columbia, in March, 1811, the *Tonquin* sailed toward the north in the search of furs. A spot had previously been marked out for the principal depot, on the south side of the Columbia, about eight miles from its mouth, which, in compliment to the principal patron and projector of this scheme, was called Astoria. The capital at his command furnishing the necessary materials, commodious buildings were erected, gardens were planted, a vessel was built and launched, a traffic was carried on with the natives in such a manner as to conciliate their prejudices, and before the summer passed away Astoria presented all the appearance of a thriving and prosperous settlement.

In the spring of the succeeding year they were joined by the other party, which, under the direction of Mr. W. P. Hunt, of New Jersey, had taken the route across the continent. They took their departure from St. Louis in January, 1811. Entering the Missouri, they adventurously and cautiously pushed their way through the hostile tribes on its banks, now passing under towering bluffs, and anon through level plains, which stretched far away into the horizon, till they reached the great bend of the river, whence they pursued their journey by land to the Rocky mountains. Passing over the ridge, in about latitude 46°, they came to the Salmon, a branch of the Lewis river, where they again took to their canoes, and reached Astoria in the spring of 1812. Soon after their arrival, intelligence was received that the *Tonquin*, with her whole crew, had been destroyed by the Indians near Nootka sound. The various causes of vexation and discouragement experienced from the hostile dispositions of the natives, and the losses and misfortunes occasioned by the perils of the ocean, might indeed have daunted a less efficient spirit. But his large pecuniary resources enabled Mr. Astor to overcome these hindrances; and it is difficult to say to what extent his plans might have been consummated, had they not been frustrated by more formidable obstacles. Upon the declaration of war between the United States and Great Britain, *all the establishments, furs, and property* of the Pacific Fur Company were transferred to the Northwest Company; Astoria was taken possession of in the name of His Britannic Majesty, and "rebaptized by the name of Fort George."

Such was the termination of the truly splendid project of Mr. Astor, occasioned, as we have seen, by events and circumstances which were beyond his calculation or control. It must be observed, however, that a very large proportion of those associated with him, and employed in this enterprise, were British subjects. They were bound by no ties of birth, citizenship, or sympathy, to American interests; and on discovering the hostile attitude in which they would be placed to their native sovereign in defending these settlements, they readily withdrew and ranked themselves on the side of Great Britain. This fatal result cannot but be a subject of deep regret, inasmuch as the maintenance of the post till after the war would have insured the success of the advantages arising from an undisputed possession of the territory watered by the Columbia river and its branches. Although Astoria was subsequently delivered to the "re-occupation of the United States," under the direction of the Government of Great Britain, in 1818, she still maintained that she had a right to extend her jurisdiction over the territory, and insisted that the settlement made at Astoria was an encroachment on our part. The question has since undergone much discussion in the diplomatic correspondence carried on between the two nations, and is hardly yet definitely adjusted.

Upon the failure of the scheme of Mr. Astor, the Northwest Company, and subsequently the Hudson's Bay Company, severally established their settlements in different parts of the territory. They removed the principal post from the mouth of the river, and established it at Vancouver, about six miles above where the Willamette flows into the Columbia. We hear nothing more of the American adventurers in this region till the year 1823, when General Ashley, of St. Louis, fitted out an expedition for the country beyond the Rocky mountains. The daring exploits of this enterprising adventurer have been the theme of admiration on the western frontier. He had previously established trading posts on this side of the mountains by his individual enterprise. He now crossed the mountains, between the sources of the Platte and the Colorado, near the 42° of latitude, and succeeded in collecting a large quantity of furs, which he transported to St. Louis. In the following year he sent out a large band of trappers and hunters, and in the space of three years collected furs amounting to about $180,000 in value. In 1827, sixty men were sent out under his direction, who marched as far as *Lake Youta* [Utah], beyond the mountains; and, in less than eight months, returned laden with a rich supply of furs. In these expeditions pack horses were used to transport the goods. Mr. Ashley at length sold out his establishments and interest in the trade to an association formed at St. Louis, called the Rocky Mountain Fur Company, who established a regular trade with the countries of the Colorado and Columbia rivers. This company sent out an expedition with wagons, in the year 1829, the following account of which we quote, as it will give an accurate idea of the course now generally pursued, and may be useful to future adventurers: "On April 20, we set out from St. Louis, with eighty-one men, all mounted on mules; ten wagons, each drawn by five mules, and two Dearborns (light carriages or carts), each drawn by one mule. Our route was nearly due west to the western limits of the State of Missouri, and thence along the Santa Fe trail, about fifty miles from which the course was for some degrees north or west, across the waters of the Kansas, and up the Great Platte to the Rocky mountains, and to the head of Wind river, where it issues from the mountains. This took us until July 16, and was as far as we wished the wagons to go, as the furs to be brought in were to be collected at this place, which is, or was this year (1829) the great rendezvous of the persons engaged in that business. Here the wagons could easily have crossed the Rocky mountains, it being what is called the Southern pass, had it been desirable for them to do so, which it was not, for reason stated. For our support, at leaving the Missouri settlements, until we should get into the buffalo country, we drove twelve head of cattle, besides a milk cow. Eight of these only being required for use before we got to the buffaloes, the others went on to the head of Wind river. We began to fall in with the buffaloes on the Platte, about 350 miles from the white settlements; and from that time lived on buffaloes, the quantity being infinitely beyond what we needed. On August 4, the wagons being in the meantime loaded with the furs which had been previously taken, we set out on our return to St. Louis. All the high points of the mountains then in view were white with snow; but the passes and valleys, and all the level country, were green with grass.

Our route back was over the same ground nearly as in going out, and we arrived at St. Louis on October 10th, bringing back the ten wagons, the Dearborns being left behind; four of the oxen and the milk cow, were brought back to the settlements in Missouri, as we did not need them for provision. Our men were all healthy during the whole time; we suffered nothing by the Indians, and had no accident but the death of one man, being buried under a bank of earth that fell upon him, and another being crippled at the same time. Of the mules we lost but one by fatigue, and two horses stolen by the Kansas Indians; the grass being, along the whole route, going and coming, sufficient for the support of horses and mules. The usual weight in the wagons was about 1,800 pounds. The usual progress of the wagons was from fifteen to twenty-five miles per day. The country being almost all open, level and prairie, the chief obstructions were ravines and creeks, the banks which required cutting down; and for this purpose a few men were generally kept ahead of the caravan. This is the first time that wagons ever went to the Rocky mountains, and the ease and safety with which it was done, prove the facility of communicating overland with the Pacific ocean; the route from the Southern Pass, where the wagons stopped, to the great falls of the Columbia, being easier and better than on this side of the mountains, with grass enough for horses and mules, but a scarcity of game for the support of man."

The North American Fur Company, at the head of which was Mr. Astor, had hitherto confined its operations principally to the neighborhood of the great lakes, the headwaters of the Mississippi, and the lower part of the Missouri rivers. In the year 1822, it became united with another company, under the name of the Columbia Fur Company, when its operations were extended to the headwaters of the Missouri, and along the sources of the Yellow Stone. The more enterprising and successful operations of the traders at St. Louis, now stimulated this company to push their expeditions beyond the Rocky mountains. They confined themselves however, exclusively to the objects of trade about the waters of the Columbia, and seldom penetrated into the interior of the country.

In 1832, Captain Bonneville, of the United States army, then stationed at one of our western frontier posts, having obtained a furlough, with some assistance from the city of New York, left Missouri for the Oregon territory. He was accompanied with a band of about 100 men, twenty wagons, and a number of mules and horses, laden with goods, and the necessary provisions, and utensils for hunting and trapping. He was the first who crossed the Rocky mountains with wagons. Pursuing the usual route along the course of the Platte, he arrived at the mountains so early in the season, as to furnish the opportunity of pursuing his enterprise under the most favorable circumstances. Descending into the vale on the opposite side he struck Lewis river near its source. He planted a station near the Colorado, where his party were employed in trading, hunting, and trapping. Captain Bonneville made several excursions over the country, but it does not appear that he reached as far as the Pacific. After an absence of about two years, he returned again to St. Louis with the most interesting account of the country he had visited.

At about this time (1834), a plan was projected by Mr. Nathaniel Wyeth, of Massachusetts, to establish a direct trade between the ports of New England and the waters of the Columbia. In prosecution of his plan, he sent a vessel to the coast, and himself made two expeditions across the continent. He erected a trading post near the confluence of the Portneuf and Lewis rivers, in the southeast corner of Oregon, which he called Fort Hall; and another at the entrance of the Wallamet into the Columbia, on Wapatoo island, about eighty miles from the ocean. His plan was similar to that of Mr. Astor. Having observed that the waters in this region abounded in salmon, he calculated that the supply of these would be ample enough to meet all the expenses of the expedition, thus leaving a clear profit on the furs. We are indebted to the narrative of Mr. Wyeth for the most interesting and accurate account which has yet been furnished us of the nature, capabilities and resources of Oregon. His plan for founding settlements were well contrived, and in its dawning operations bid fair to establish an enterprising American colony upon the coast of the North Pacific. The ample supplies which could have been provided to meet the demands of commercial speculation must have led to an increase of its population, and its consequence permanency and prosperity. But the hopes which it had inspired were blasted by the hostilities of the Hudson's Bay Company. The existence of this company has always been adverse to colonization in Oregon, and but one settlement has been made under its auspices west of the Rocky mountains. This is on the Wallamet, and is composed of Canadians, who have intermarried with the natives, and families of the half-breed. All its buildings and appliances are subordinate to the uses and interests of the company, and no inducements are held out to encourage a better class of settlers.

There is, however, another class of adventurers (if we may be permitted to call them such) whose operations are not unworthy our interested attention. The spirit of Christian philanthropy suggested the first expedition to this territory which was unconnected with any objects of trade or gain. A small band was sent out for missionary purposes by the American Baptist Society in 1832. These were followed, in 1835, by another party, under the direction of the Methodist Episcopal Society, which planted a station on the banks of the Wallamet, about seventy miles from its mouth. Since that time their members have been gradually increasing. It is stated in a recent report of this society, that on October 9, 1839, a company of fifty persons, including adults and minors, male and female, left New York for Oregon. These included six missionaries with their wives and children; one physician, wife and child; a missionary steward, wife and two children; two farmers, wives and children; a cabinet maker, two carpenters and a blacksmith, their wives and children, and five single female teachers. On their arrival at the station on the Wallamet, the number of settlers amounted to about sixty-eight persons. The station, it is stated in the report, was well stocked with cattle, under a fine state of cultivation, and had already become "so productive as to furnish the mission family with abundance." The American board have stations at Kamiah, in the country of the Nez Perces Indians, on the Kooskooske, a branch of the Lewis river; at Willatpoo, on the Walla Walla, near the great bend of the Columbia, and also on the Clear Water river; at the latter of which a printing press is in successful operation. It is said, in their last annual report, that "a sawmill and grain mill have been put in operation at Clear Water, and a grain mill at Wauletpu." Accessions have recently been made to all of these several settlements by emigrants from New York and other places, and they are generally represented to be in a very thriving and prosperous condition.

We cannot but regard these settlements as the precursors of incalculable good as regards the future prospects and condition of this territory. It is now a serious question how far its possession and settlement may be an object of interest on account ot the fur trade. The extent to which it has been carried on, and the unceasing avidity with which it has been pursued, have caused the disappearance of most of the animals whose skins and furs were an object of enterprise. The Hudson's Bay Company have found it necessary to restrain the trade at certain seasons, in order to prevent their entire extinction; and the time is probably not far distant when some other mode of employing capital in that region must be resorted to; while what is now known of the resources of the country affords but little hope of a very speedy return to any other than what has been hitherto the usual mode of investment. The further investigations of science may perhaps give greater accuracy to existing descriptions and localities, but it can develop no new sources of wealth or aggrandizement. The general characteristic features of the country are well understood. Its territory has been traversed, its rivers have been explored, and its mountains have been scaled by the botanist, the geologist, the hunter and the trapper; and the lover of romance and adventure has delineated the variegated attractions of its natural scenery. We must now regard it as presenting no other allurements to the adventurer than such as may be found in a rich and luxuriant soil, a temperate and salubrious climate, and vast commercial capabilities. The ordinary occupation of commerce, agriculture, trade and manufactures, with industry, frugality and enterprise, will yield at once ample, and in time an affluent recompense. And what more could be desired? What more (aside from the religious principle, how much less) was it that encouraged our forefathers to encounter the sturdy forests and rigorous climate of New England? What more was it that has covered the banks of the Ohio with opulent cities, and made the valley of the Mississippi to teem with a flourishing and happy population? What more was it that has made our whole country the abode of prosperity, civilization and refinement? They who are accustomed to estimate the progress of mankind by the slow and languid growth of ancient nations, may smile at the prediction; but let the existing difficulties be removed; let the interposition of the general Government settle the claims of the United States to this territory; let it render the way thither easy and accessible, by establishing permanent posts at convenient distances on the route; let it establish a military post at the mouth of the Columbia to protect the lives, the property, and the interests of its citizens, and Oregon will soon be covered with permanent settlements, the history of whose growth and prosperity shall at least equal that of any of the states now comprising our republic.

From a very valuable historical address delivered by Hon. Willard Rees, before the Oregon Pioneer Assocciation, 1870, I quote the following:

"French Prairie, comparatively limited in extent, is nevertheless a prolific field, abounding in many stirring and important events in connection with the early history of Oregon. Here have lived and now lie buried, two of that gallant band of pioneers, who, with Lewis and Clarke, in 1805, followed the waters of the Columbia from their source to the uttermost limits of the west.

"Here were the homes of Gervais, Lucier, Cannon, Jack, and on the west side of the river, Labonte and Laframboise—four Canadians and two American citizens, all Astor men, who came to Oregon with Capt. Hunt, in 1811, some who were with McKinzey, when this part of the territory was first explored by white men, and in later years with the exception of Laframboise, these five free trappers were the first to introduce the civilizing arts of husbandry in the valley of the Willamette. Here the pioneer missionaries, who were sent to the western confines of the continent, first proclaimed the salvation of the Cross to the wild native tribes of the valley. Here too, were held in 1841, the first political meetings which eventuated in 1845 in giving to the whole people of the territory a provisional form of republican government, a work of the Oregon pioneers, the history of which must endure while the River of the West shall continue to roll his volumed waters to the briny deep.

In speaking of the first settlement of French Prairie, Mr. Rees says:

"The venerable Donald Manson, who arrived at Vancouver Jan. 6, 1825, now a resident of Champoeg, says: 'I married Felicite, eldest daughter of Eitenne Lucier, in October, 1828. Her father was then living on his land claim two miles above Champoeg, where he had settled in the fall of 1827.'

"By request, Rev. B. Delorme pastor of St. Paul's church, kindly furnished me, from the parish registry a list of names of the early settlers of French Prairie, with age and date of demise. I will give here a few names: Frances Quesnel, died 1844, age 65 years. Philip Degie, born at Sorel, Canada, in 1739, died February 27, 1847, aged 108 years. This oldest inhabitant first crossed the continent with Lewis and Clarke in 1805. Francis Rivet, died September 15, 1852, aged 95, came to Oregon with Lewis and Clarke. William Cannon, born in Pennsylvania, in 1755, died 1854, aged 99 years. Etienne Lucier, died March 6, 1853.[1] Louis Labonte died in 1860, aged 80 years. Joseph Gervais, died July 13, 1861, aged 84 years. These four men were free trappers, and came to Oregon with Captain Hunt in 1811. Francis Dupra, died 1858, aged 99 years. Andrew Longtain, born in 1782, died 1879, aged 97 years."

As a matter of history I insert the following and hope it will prove of interest.

Capt. Robert Gray was a naval officer during the Revolutionary War, and after the treaty of peace took command of merchant vessels and made several long and successful trips; he being the first American navigator to carry the American flag around the world, discovering and entering the mouth of the mythical "River of the West," which he named the Columbia, May 11, 1792, and claimed the country for the United States by right of discovery. On his return to Boston, from whence he sailed, a few silver medals were struck off, one of which was presented to him, and for a more concise history, I copy the following memorial written by the late J. Quinn Thornton, and the report of the Legislative Committee upon the subject: "Mr. Speaker.—Your standing committee on commerce, to whom was referred the accompanying memorial of Hon. J. Quinn Thornton, presenting to the state of Oregon a medal, the history of which is therein set forth, respectfully report that the facts narrated in the memorial are, and always will be, full of historical interest to the people of Oregon, and of the United States." * * * The medal is made of silver and has the following inscription: On one side in the center two vessels under sail, in the circle surrounding them the words, "Columbia and Washington, commanded by J. Kendrick." On the reverse, "Fitted at Boston, North America, for the Pacific ocean, by J. Burrell, S. Brown, C. Bullfinch, J. Darby, C. Hatch, J. M. Pintard, 1787."

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[1] Etienne Lucier was the first man who settled on a farm in Oregon. He first settled at what is now East Portland, and after residing there a few years moved and settled on the first farm in French Prairie, in 1827.

MEMORIAL.

J. Quinn Thornton would respectfully represent that in the year 1848, while in Washington City, Hall J. Kelly, A. M., of the state of Massachusetts, confided to his trust a silver medal which had been struck for the purpose of commemorating the great historical fact of the discovery of the mouth of the Columbia river by Capt. Gray, on the 11th of May, 1792. Your memorialist received it in trust, that at a fitting time he would "make a suitable disposition of it." Your memorialist knows not how, in executing the sacred trust confided in him, he could make a more "appropriate disposition of it" than by presenting it to the state, one of the most prominent geographical features of which is the river, the discovery of which it was designated to commemorate. He therefore prays your honoroble body, as the representatives of the people of the state of Oregon, to accept it in their name. Your memorialist hopes that it will not be deemed inappropriate, if at this time and in this presence, he present in a condensed form the principal historical facts which stand more or less nearly connected with this medal.

In the year 1789, a company of merchants in the city of Boston, consisting of J. Barrell, S. Brown, C. Bullfinch, J. Darby, C. Hatch, and J. M. Pintard, with a sagacious liberality and an enlightened enterprise, fitted out the *Columbia* and *Washington* for trade and exploration on the northwest coast of America. The former vessel was under the command of Capt. Kendrick, and the latter under that of Capt. Gray. These gentlemen sailed from Boston on the 30th of September of the same year, with letters from the Government of the United States, and passports from that of Massachusetts. Both vessels arrived at Nootka Sound in September, 1788—the *Washington* a few days before the *Columbia*—where they spent the winter, taking furs of the natives in exchange for commodities brought for that purpose. In the following spring Capt. Gray took command of the *Columbia* and sailed for Canton, from which place he sailed in the autumn of 1789, and returned to Boston harbor in 1790. In 1791, Capt. Gray in command of the *Columbia* and Joseph Ingraham in command of the brig *Hope*, sailed for the North Pacific. In the spring of 1792, Capt. Gray arrived on the northwest coast, and while sailing northward, discovered an open place in latitude 46° 16′, from which a current flowed with a force sufficient to prevent him from entering, though he spent nine days in efforts to do so. In April, 1792, he hailed the British ship *Discovery*, and informed her commander, Capt. Vancouver, that between the 46th and 47th degrees of north latitude, he had discovered the mouth of a river which he was not able to enter in consequence of the force of the current setting out to sea. Capt. Vancouver, in his jonrnal, speaks of this latitude as having been passed by him two days before. He says, "the whole coast formed one compact, solid, and nearly straight barrier to the sea." He also further added that he was "thoroughly convinced that he could not possibly have passed any safe navigable opening harbor, or place of security for shipping, on the coast, from Cape Mendocino to Cape Flattery in 48°, nor had he any reason to alter his opinion, notwithstanding theoretical geographers, had thought proper to assert the existence of large inlets, communicating with the Mediterranean sea, and safe rivers with safe and convenient ports."

Captain Gray, feeling certain that he had discovered the mouth of a large river, on the 11th of May, 1792, renewed his efforts to enter with his vessel. With some difficulty he succeeded and sailed up to the place now known as Tongue Point, where he dropped anchor, took in a supply of fresh water, and remained until the 20th, trading with the natives. Upon leaving the river, Captain Gray gave to it the name of his ship—COLUMBIA. The land immediately at the north side of the entrance of the river, he called Cape Hancock; that on the south side, Cape Adams. * * * In October, 1792, Vancouver having learned from Quadra, the Spanish officer in command at Nootka, the discovery which Captain Gray reported he had made, sent the *Chatham*, in command of Captain Broughton, to explore it. On the arrival of that officer at the mouth of the river, he found the brig *Jenny*, from Boston, lying at anchor. The *Jenny* had sailed a few days previous from Nootka. Captain Broughton left his vessel at the mouth of the river, and proceeded up in his cutter to a point somewhere near the mouth of the Willamette. On the 10th of November, the *Chatham* and the *Jenny* weighed anchor, and sailed in company for the bay of San Francisco. * * * Captain Vancouver admits that Captain Gray discovered the river. After leaving Nootka, in October, 1792, he says the serenity of weather encouraged him to hope that he might be enabled on his way south, to "re-examine the coast of New Albion, and particularly a river and harbor discovered by Captain Gray, in the Columbia, between the 46th and 47th degrees north latitude."

Upon the final return of the expedition, which, your memorialist has already stated, was fitted out by the sagacious liberality and enlightened enterprise of the gentlemen already named, a few silver medals were struck for the purpose of commemorating Captain Gray's discovery. It was at once seen that this would become an important fact as constituting one of the great elements of title to the country drained by the river, became priority of discovery, followed within a reasonable time by occupancy, gives, under the laws of nations, the *domain*, in virtue of which the nation alone may use the country for the supply of its necessities, and the *empire*, or right of sovereign command.

One of these medals was deposited in the State Department at Washington, and is now in the Library of Congress. One was retained by Captain Gray. It is believed that these are the only ones now in existence. Upon Captain Gray's having ended the voyage of life, and gone "where all the ship's company meet," his widow became the possessor of the one he had retained. After keeping it several years, she gave it to Hall J. Kelly, in trust that he would "make some appropriate disposition of it." She confided it to this gentleman, because he had long been known to be impressed with a sense of the value and importance of the country west of the Rocky mountains, and because she regarded him as having conceived the plan of colonizing the territory, having for the object and end of such labor the founding of a new republic of civil and religious freedom on the shores of the Pacific.

Your memorialist, being at the seat of the General Government in 1848, laboring as best he could to promote the common interest of an infant community which had already planted under a Provisional Government, the vine of christianity and the germ of civil freedom, he received the accompanying medal, promising to make "some appropriate disposition of it." He therefore asks your acceptance of it; and he prays that you may be made the honored instrument, in the hands of the great Ruler of nations, for the establishing on broad and comprehensive principles, the institutions of civilization and liberty, in

"The continuous wood where rolls the Oregon,
And hears no sound save his own dashings."

J. QUINN THORNTON.

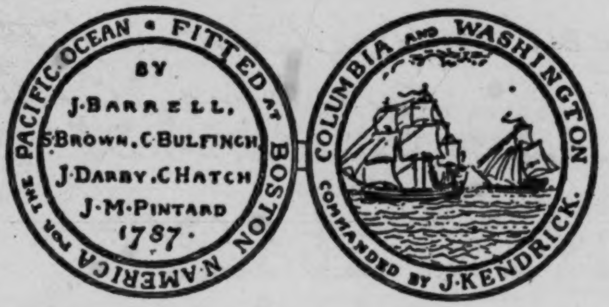
From the *Oregon Spectator* of Sept. 3, 1846, I copy the following:

Mr. Winthrow, of Boston, offered the following memorial:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled: The petition of Martha Gray respectfully sets forth: That your petitioner is the widow of Captain Robert Gray, well known as the navigator who discovered, first entered, and gave its present name to the "Columbia river." That your petitioner was left a widow nearly forty years ago, with four young daughters, and without adequate means for their education and support. That she has struggled thus far through life amidst great difficulties and severe trials, and in her advanced age is still in circumstances requiring strictest economy. That her daughters are yet living, and three of them remain unmarried. That her late husband, Captain Gray, was in the naval service of his country during a part of the war of the Revolution, but that your petitioner is unable under the existing laws to entitle herself to be placed upon the list of United States pensioners, "the act granting half pay and pensions to certain widows and for other purposes," providing only for widows whose marriage took place before the first of January, 1794, and her marriage having taken place in the month of *February*, 1794. That neither her late husband during his life-time, nor his family since his decease, have received the slightest pecuniary benefit from the great discovery herein referred to; and your petitioner now, for the first time, appeals to the justice of her country with confidence; that, at the moment when your honorable body is spreading before the world the claims of the United States to a vast territory of immense value, and founding these claims, to a great extent, upon a discovery made by the energy and perseverance of one of her citizens, the family of that citizen will not be suffered, in their humble circumstances, to go without any remuneration; but that your honorable body will make such provisions as a sense of justice and the honor of the nation seem to require for the aged widow and unprotected daughters of the man who first unfurled the flag of our country upon the "Great River of the West," and who was the first to bear this flag in triumph round the world.

With due respect. MARTHA GRAY.

Boston, Jan. 17, 1846.


FITTED AT BOSTON N.AMERICA FOR THE PACIFIC OCEAN •
BY
J·BARRELL,
S.BROWN, C·BULFINCH,
J·DARBY, C.HATCH
J·M·PINTARD
1787·
COLUMBIA AND WASHINGTON
COMMANDED BY J·KENDRICK.

This medal was struck commemorating the organization and sailing of the first expedition.

I have been requested to, if possible, obtain and publish a fac-simile of the original autographs of the earliest pioneer missionaries. The following are all that I could obtain, and hope that they will prove of interest to the reader:

Yours Truly
Marcus Whitman

Came to Oregon in 1836. Murdered at Lapwai, Nov. 27, 1847.

your sister N Whitman

Came to Oregon in 1836. Murdered at Lapwai, Nov. 27, 1847.

H. H. Spalding.

Came to Oregon in 1836. Stationed among the Nez Perces.

Affectionately yours in Christian love
Eliza H. Spalding

Came to Oregon in 1836. Stationed among the Nez Perces.

Your affectionate father
Cushing Eells

Came to Oregon in 1838. Stationed among the Yakima's.

Myra F. Eells

Came to Oregon in 1838. Stationed among the Yakima's.

Yours as before E Walker

Came to Oregon in 1838. Stationed among the Yakima's.

Mary Walker

Came to Oregon in 1838. Stationed among the Yakima's.

Yours truly Andrew Rodgers

Came in 1845. Killed at the Whitman massacre, Nov. 27, 1847.

J. S. Griffin

Came to Oregon in 1839. Stationed with Rev. Spalding.

& W. H. Gray

Came in 1836.

Mary A. Gray

Came in 1838.

Provisional Government.

1841.

Provisional Government; Death of Ewing Young; Meeting at the Methodist Mission; Second meeting; Election of officers; Rev. David Leslie appointed administrator; Original copy of same; Third public meeting; Captain Wilkes and Dr. McLoughlin.

THERE is an inherent inclination in the character of the American people to organize themselves into forms of self government. If they compose an assembled train of emigrants who have come together, strangers to one another, from different points to traverse broad and arid plains and to face the dangers of wild beasts and savage tribes, they organize for self protection and to aid one another. If in the pursuit of the precious metals, they meet by accident in a mountainous solitude where no law prevails, they organize mining camps, and declare and enforce regulations for the district. They define the size of mining claims and restrain the lawless portion of the newly formed community. So it was with the American settlers in Oregon in 1841; composed of various classes and of various qualities of character, having come by sea or by land—by ship, by pack train, on foot, or on horseback, from distant and diverse regions, they got themselves together to take counsel how they might form some kind of Government for themselves. They found the country practically occupied before them by the Hudson's Bay Company—a corporation powerful and arrogant, and representing a Government inimical to them in interest and occupation. There was also at this time quite a number of discharged servants of the Hudson's Bay Company, French Canadians, trappers, hunters and bateau voyageurs, who had spent the best years of their lives in toil, dangers and hardships, receiving a mere pittance, and cast adrift in their old age to eke out a living as best they could. They had mostly settled and made farms upon what is now known as French Prairie in Marion county. Of course these people were largely under the influence of the Hudson's Bay Company, to whom they looked for supplies and a market. But, as subsequent years disclosed, they were qualified to make good American citizens, and were willing to assimilate themselves with a new condition of things as soon as circumstances demanded. Heretofore the Hudson's Bay Company had been a monopoly of government and a monopoly of trade in all the vast region west of the Rocky mountains and north of Mexico and up to the Russian possessions, save the temporary struggle of American fur traders to occupy some of the ground. As the numbers of the American settlers augmented, the grasp of this monopoly was loosened and American influences began to operate.

February 15, 1841, Mr. Ewing Young, the wealthiest and most enterprising American citizen, died, and at his funeral, which was largely attended, the question arose: What should be done with his property? He had left no will nor heirs, as far as known, and if he had left a will there was no legal officer to probate the same, and it was determined to hold a meeting at that time and place, which was done, and the meeting was organized by electing Rev. Jason Lee, the head of the Methodist Mission, chairman, but unfortunately, there is no record of the meeting in existence. It seems that a committee had been appointed to take into consideration the feasibility of organizing a Provisional Government, and adjourned to meet at the Methodist Mission February 17th, and the proceedings were as follows:

Public Meeting, Held February 17, 1841.

At a meeting of some of the inhabitants of the Willamette valley, for consultation concerning the steps necessary to be taken for the formation of laws, and the election of officers to execute the same, for the better preservation of peace and good order, the following business was transacted:

Rev. Jason Lee was chosen chairman, and Rev. Gustavus Hines was chosen secretary. On motion,

Resolved, That an addition of one be made to the committee of arrangements chosen at previous meeting.[1] On motion,

Resolved, That the chairman nominate this committeeman. Geo. Le Breton was nominated and elected.

Resolved, That it be recommended that there be a committee of seven elected for the purpose of drafting a constitution and code of laws for the government of the settlements south of the Columbia river. It was then

Resolved, That all settlers north of the Columbia river, not connected with the Hudson's Bay Company, be admitted to the protection of our laws, on making application to that effect.

The meeting then proceeded to advise the committee of arrangements to propose the making of certain officers, to-wit: A Governor; a Supreme Judge, with probate powers; three Justices of the Peace; three constables; three road commissioners; an Attorney General; a Clerk of the Courts and Public Recorder; one Treasurer; two overseers of the poor. It was recommended to nominate persons to fill the several offices, and they be chosen *viva voce*.

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[1] This was the meeting held the day before.

The meeting then resolved itself into committee of the whole for the purpose of choosing candidates for the several offices, and after having nominated persons to fill the various offices it was

Resolved, That the doings of the committee of the whole be deposited in the hands of the chairman, to be presented to the meeting to-morrow.

On motion, the meeting then adjourned to meet at 8 o'clock to-morrow.

February 18, 1841.

At a full meeting of the inhabitants of the Willamette valley, at the American Mission house, David Leslie was elected chairman, and Sidney Smith and Gustavus Hines were chosen secretaries.

The doings of the previous meeting were presented to the assembly, and were accepted in part, viz.: That a committee be chosen for framing a constitution and drafting a code of laws; and that the following persons compose the committee. Rev. F. N. Blanchet, Rev. Jason Lee, David Donpierre, Gustavus Hines, Mr. Charlevon, Robert Moore, J. L. Parrish, Etienne Lucie and Wm. Johnson.

Dr. Ira L. Babcock was appointed to fill the office of Supreme Judge with probate powers; Geo. Le Breton was chosen to fill the office of Clerk of Courts and Public Recorder; Wm. Johnson was chosen to fill the office of High Sheriff Havier Laderant, Pierre Billique and Wm. McCarty were chosen constables.

Resolved, That until a code of laws be adopted by this community, Dr. Babcock be instructed to act according to the laws of the State of New York.

Resolved, That this meeting now adjourn to meet on the first Tuesday of June, at the new building, near the Catholic church.

TUESDAY, June 1, 1841.

An adjourned meeting of the inhabitants of the Willamette valley, at the new building, near the Catholic church, was called to order by the chairman.

On motion the doings of the former meeting were read.

The report of the committee for drafting a constitution and code of laws, was called for, and responded by the chairman and others, that no meeting of the committee had been had, consequently no report had been prepared.

Rev. F. N. Blanchet requested to be excused from serving further upon the committee to draft a constitution and code of laws, and was excused.

On motion, Dr. Bailey was chosen to fill the vacancy and the committee instructed to meet on the first Monday in August next. That this committee be instructed to report to an adjourned meeting on the first Tuesday in October next.

Resolved, That the committee for drafting constitution and laws, be instructed to confer with the Commodore of the American squadron,[1] and John McLoughlin, Chief Factor of the Hudson's Bay Company, with regard to forming a constitution and code of laws for this community.

Resolved, That the motion to adopt the report of the nominating committee, presented at a former meeting be reconsidered.

Resolved, That the committee to draft a constitution, &c., be instructed to take into consideration, the number and kind of offices it will be necessary to create, in accordance with their constitution and code of laws, and report the same to the next meeting, and that the report of the nominating committee be referred to said committee.

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[1] Commodore Wilkes, U. S. N.

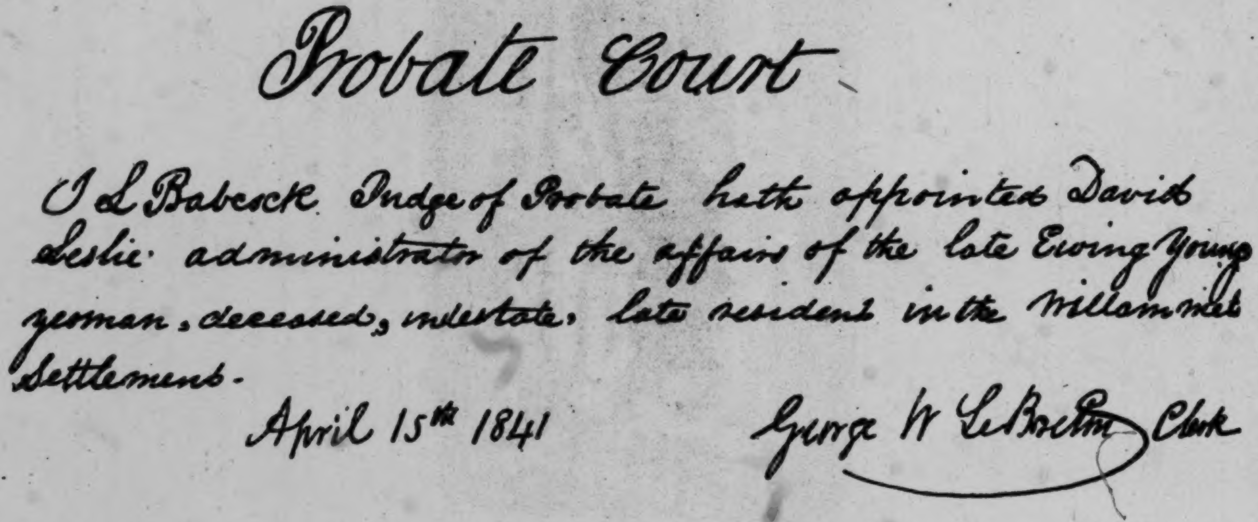
Moved and carried, that this meeting adjourn to meet at the American Mission House, at 11 o'clock on the first Tuesday in October next.

SIDNEY SMITH,
GUSTAVUS HINES.
Secretaries.

It will be noticed in one of the last resolutions, that the matter of organizing a Provisional Government was to be referred to Commodore Wilkes and Dr. McLoughlin. This was a fatal move, as Commodore Wilkes strenuously advised against the project and was used as one of the arguments, that the United States Government would extend their laws over the territory in a short time, which he must have known could not possibly transpire under two or more years, as the treaties at that time required a years' notice from the Government that desired to open the question again for settlement, and then a full year could, and most probably would be consumed in trying to negotiate. Dr. McLoughlin at that time, was Chief Factor of the Hudson's Bay Company, and, although his great philanthropy did urge him to extend an assisting hand to all in need — whoever it might be, his duty to his company or employer required him to discourage anything that he might conceive would lead to sectional jealousy, or to interests adverse to his company. He therefore expressed an opinion similar to that of Wilkes, although after he had resigned his high and lucrative office as Chief Factor, sustained the Provisional Government, and at the earliest date possible declared his intentions to become an American citizen.

With this discouragement, the committee to draft the constitution and code of laws never met, and the movement died out for the want of some one to keep the matter alive. Meanwhile jealousies in regard to who should fill the office of Governor were rife. The Methodist Mission wanted to furnish one or two candidates, the English element a candidate, and the last, but an important factor, the non-church members, men who were neither Catholics nor Protestants wished a candidate. None could elect singly, no two could combine, therefore the whole matter went by default, although not killed in any manner, but postponed to a time when more Americans would arrive and settle in the country.

The first official paper ever issued by the Provisional Government, is the following appointment of Rev David Leslie as administrator, and was found among Mr. Leslie's papers and given to the writer.

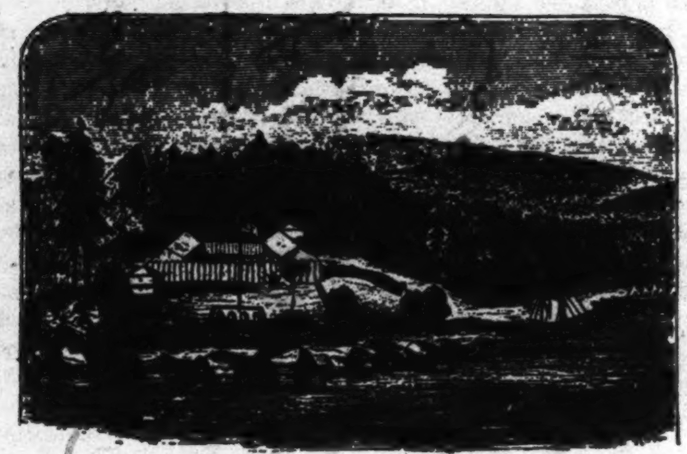


Probate Court

I L Babcock Judge of Probate hath appointed David Leslie administrator of the affairs of the late Ewing Young yeoman, deceased, intestate, late resident in the Willammette Settlement.

April 15th 1841

George W LeBreton Clerk



ASTORIA IN 1837.
(From Gray's History of Oregon, by consent.)

1842

DR. E. WHITE; OREGON LYCEUM; WHITMAN'S WINTER TRIP; MR. LINN'S RESOLUTION; LIEUTENANT FREMONT'S EXPEDITION.

THERE were about one hundred and forty American settlers in Oregon at the beginning of 1842, and the attempt of the previous year to organize a Provisional Government was allowed to lie dormant for the time being, evidently to gather strength by augmentation of the immigration expected across the plains that year. The number that came were not very large, but some of them soon took an active part in assisting to further the object of the American portion of the old settlers, especially Captain Medorem Crawford and A. L. Lovejoy. The latter before reaching the Willamette valley returned across the mountains with Dr. Whitman, and accomplished a very perilous journey. The third person of this year's immigration, and one who attempted to rule the country, whether it would be ruled or not, was Dr. Elijah White, who bore a commission as sub-agent to the Indian Department. He was a keen, foxy, unscrupulous blatherskite, and a man of great pretensions.

The question of establishing a Government began to be mooted, and in the fall of that year the "Oregon Lyceum" was organized at the "Falls," or Oregon City, and the question of establishing an independent Government was discussed by its members, while overtures were being made to Canadians to take part. But the Canadians were held back by the influence of their spiritual leaders and the peculiar position that they were placed in; first, they were subjects of Great Britain; second, the country, through treaty then in existence, was subject to joint occupancy of the United States and Great Britain, although it was tacitly admitted that that portion of the country south of the Columbia river belonged, or would belong to the United States; and again, to join in this movement, would be against the interest of the Hudson's Bay Company, most of whom had been in its employ, and still were in a manner dependent upon the company to obtain the necessaries of life and a market for their produce; third, the American population were Protestants in religion, while the Canadians were Catholics, and the Hudson's Bay Company represented their church, and they were more or less afraid that their rights would be interfered with, in regard to holding land and other property, and therefore preferred to remain as they were until the two great Governments should settle the matter of ownership of the country.

Taking into consideration the surrounding circumstances, it does not seem strange at all that this class of settlers, who knew nothing whatever of the benefits of good government or had ever taken part in anything of the kind should hold back, although they lived in great cordiality with all Americans.

An address was drawn up and presented to the Americans the next year, which will appear in its proper order of date.

That the Americans were anxious to have their assistance was founded on the ground that they would make good citizens, which anticipation was realized to its fullest extent when the Provisional and Territorial Governments were finally organized. And at the present day under the state organization, those who are still living and their descendants are the best citizens of the community wherever they live.

As a true narrative of the remarkable overland winter trip of 1842-1843 has never been printed in any history, and only once in a newspaper, it is deemed of so great interest that a letter written by Hon. A. L. Lovejoy, who accompanied Dr. Whitman on that journey, is herewith inserted. Although written twenty-eight years afterwards, it is a plain and truthful statement and the only one extant:

OREGON CITY, *February 14, 1870.*

DR. ATKINSON—*Dear Sir:* In compliance with your request, I will endeavor to give you some idea of the journey of the late Dr. Marcus Whitman from Oregon to Washington, in the winter of 1842-1843. True, I was the doctor's traveling companion in that arduous and trying journey, but it would take volumes to describe the many thrilling scenes and dangerous hair-breadth escapes we passed through, traveling, as we did, almost the entire route through a hostile Indian country, and enduring much suffering from the intense cold and snow we had to encounter in passing over the Rocky mountains in mid-winter. I crossed the plains in company with Dr. White and others, and arrived at Wailatpu the last of September, 1842. My party camped some two miles below Dr. Whitman's place. The day after our arrival, Dr. Whitman called at our camp and asked me to accompany him to his house, as he wished me to draw up a memorial to Congress to prohibit the sale of ardent spirits in this country. The doctor was alive to the interests of this coast, and manifested a very warm desire to have it properly represented at Washington; and after numerous conversations with the doctor touching the future prosperity of Oregon, he asked me one day in a very anxious manner, if I thought it would be possible for him to cross the mountains at that time of the year? I told him I thought he could. He next asked me, "Will you accompany me?" After a little reflection I told him I would. His arrangements were rapidly made. Through the kindness of Mr. McKinley, then stationed at Fort Walla Walla, Mrs. Whitman was provided with a suitable escort to the Willamette valley, where she was to remain with her missionary friends until the doctor's return. We left Wailatpu October 3, 1842, traveling rapidly, reached Fort Hall in eleven days, remaining two days to recruit and make a few purchases. The doctor engaged a guide and we left for Fort Winte. We changed from a direct route to one more southern, through the Spanish country, via Salt Lake, Taos and Sante Fe. On our way from Fort Hall to Fort Winte we had terrible, severe weather. The snow retarded our progress and blinded the trail, so we lost much time. After arriving at Fort Winte and making some purchases for our trip, we took a new guide and started for Fort Uncumpagra, situated on the waters of Grand river, in the Spanish country. Here our stay was very short. We took a new guide and started for Taos. After being out some four or five days we encountered a terrific snow storm, which forced us to seek shelter in a deep ravine, where we remained snow bound for four days, at which time the storm had somewhat abated, and we attempted to make our way out upon the high lands, but the snow was so deep and the winds so piercing and cold we were compelled to return to camp and wait a few days for a change of weather.

Our next effort to reach the highlands was more successful; but after spending several days wandering around in the snow without making much headway our guide told us that the deep snow had so changed the face of the country that he was completely lost and could take us no further. This was a terrible blow to the doctor, but he was determined not to give it up without another effort. We at once agreed that the doctor should take the guide and return to Fort Uncumpagra and get a new guide, and I remain in camp with the animals until he could return; which he did in seven days with our new guide, and we were now on our route again. Nothing of much import occurred but hard and slow traveling through deep snow until we reached Grand river, which was frozen on either side about one-third across. Although so very cold, the current was so intensely rapid about one-third of the river in the center was not frozen. Our guide thought it would be dangerous to attempt to cross the river in its present condition, but the doctor nothing daunted, was the first to take the water. He mounted his horse—the guide and myself shoved the doctor and his horse off the ice into the foaming stream. Away he went completely under water, horse and all, but directly came up, and after buffeting the rapid, foaming current he reached the ice on the opposite shore a long way down the stream. He leaped from his horse upon the ice and soon had his noble animal by his side. The guide and myself forced the pack animals and followed the doctor's example, and were soon on the opposite shore drying our frozen clothes by a comfortable fire. We reached Taos in about thirty days, suffering greatly from cold and scarcity of provisions. We were compelled to use mule meat, dogs, and such other animals as came in our reach. We remained at Taos a few days only, and started for Bent's and Savery's Forts on the headwaters of Arkansas river. When we had been out some fifteen or twenty days, we met George Bent a brother of Gov. Bent, on his way to Taos. He told us that a party of mountain men would leave Bent's Fort in a few days for St. Louis, but said we would not reach the fort with our pack animals in time to join the party. The doctor being very anxious to join the party, so he could push on as rapidly as possible to Washington, concluded to leave myself and guide with the animals, and he himself taking the best animal with some bedding and a small allowance of provisions, started alone, hoping by rapid traveling to reach the fort in time to join the St. Louis party, but to do so he would have to travel on the Sabbath, something we had not done before. Myself and guide traveled on slowly and reached the fort in about four days, but imagine our astonishment when on making inquiry about the doctor we were told that he had not arrived nor had he been heard of. I learned that the party for St. Louis was camped at the Big Cottonwood, forty miles from the fort, and at my request Mr. Savery sent an express, telling the party not to proceed any further until we learned something of Dr. Whitman's whereabouts, as he wished to accompany them to St. Louis. Being furnished by the gentlemen of the fort with a suitable guide I started in search of the doctor, and traveled up the river about one hundred miles. I learned from the Indians that a man had been there who was lost and was trying to find Bents' Fort. They said they had directed him to go down the river and how to find the fort. I knew from their description that it was the doctor. I returned to the fort as rapidly as possible, but the doctor had not arrived. We had all become very anxious about him. Late in the afternoon he came in very much fatigued and desponding; said that he new that God had bewildered him to punish him for traveling on the Sabbath. During the whole trip he was very regular in his morning and evening devotions, and that was the only time I ever knew him to travel on the Sabbath.

The doctor remained all night at the fort, starting early on the following morning to join the St. Louis party. Here we parted. The doctor proceeded to Washington. I remained at Bents' Fort until spring and joined the doctor the following July near Fort Laramie on his way to Oregon, in company with a train of emigrants. He often expressed himself to me about the remainder of his journey and the manner in which he was received at Washington and by the Board of Foreign Mission at Boston. He had several interviews with President Tyler, Secretary Webster and a good many members of Congress. Congress being in session at that time, he urged the immediate termination of the treaty with Great Britain relative to this country, and begged them to extend the laws of the United States over Oregon, and asked for liberal inducements to emigrants to come to this coast. He was very cordially and kindly received by the President and members of Congress, and without doubt the doctor's interviews resulted greatly for the benefit of Oregon and to this coast. But his reception at the Board of Foreign Missions was not so cordial. The board was inclined to censure him for leaving his post. The doctor came to the frontier settlements urging the citizens to emigrate to the Pacific. He left Independence, Missouri, in the month of May, 1843, with an emigrant train of about 1,000 souls, for Oregon. With his energy and knowledge of the country, he rendered them great assistance in fording the many dangerous streams they had to cross, and in finding a wagon road through many of the narrow, rugged passes in the mountains. He arrived at Wailatpu about one year from the time he left, to find his home sadly dilapi dated; his flouring mill burned to the ground. The Indians were very hostile to the doctor for leaving them, and, without doubt, during his absence the seeds of that assassination were sown (by those haughty Cayuses) which resulted in his death, Mrs. Whitman and many others, although it did not take place until some four years after.

I remain yours, with great respect,

A. LAWRENCE LOVEJOY,

A. E. Wilson, Peter Foster, P. H. Hatch, and F. W. Pettigrove also arrived this year, and all proved to be beneficial acquisitions to the country. Mr. Pettigrove brought a small stock of goods with him. In fact, the settlers were becoming more independent of the Hudson's Bay Company in regard to supplies.

A colony of about forty families arrived from the Red River settlement to colonize Puget Sound, under the auspices of the Hudson's Bay Company, consisting of English, Scotch and French Canadians, but they did not like the country or their treatment and soon settled on the Oregon side of the Columbia, and were received as citizens. The Hudson's Bay Company now fortified Fort Vancouver, and Her Majesty's ship *Modeste* was stationed in the Columbia river to overawe and control the independent moving Americans, which of course made the latter more determined to organize a Government, and had the effect to hasten that object.

While the citizens were wondering and looking to the "good time coming," by being recognized by the mother Government, Mr. Linn was still doing all that could be done to influence Congress to take some decisive step, and on his motion, all the petitions and memorials relating to the occupancy, etc., of the Oregon territory, presented since 1838 were removed from the files and referred to the select committee.

January 4, 1842, Mr. Linn submitted the following: *Resolved*, That the President of the United States be requested to give the notice to the British Government which the convention of 1829 requires, in order to put an end to the treaty for the joint occupation of Oregon, west of the Rocky mountains, and which territory is now possessed and used by the British Hudson's Bay Company, to the ruin of the American Indian and fur traders in that quarter, and conflicting with our inland commerce with the internal provinces of Mexico. Placed on the calendar.

January 21st. Mr. Linn, from the select committee on territory of Oregon, reported a bill to authorize the adoption of means for the occupation and settlement of the territory of Oregon, and for extending certain portions of the laws of the Union over the same, and for other purposes.

March 28th. A memorial from residents on Oregon River asking extension of United States laws over Oregon territory; from citizens of Missouri for the same.

April 7th. The resolution submitted a few days since by Mr. Linn, for calling for any correspondence on the subject of the Oregon territory was taken up, and Mr. Preston having stated that he had information that the call was unnecessary, it was on his motion laid upon the table.

April 30th. Mr. Linn presented a petition from citizens of Michigan praying a military occupation of the Oregon territory and its formation into a territorial government.[1]

Lieutenant Fremont left St. Louis, Mo., about June 1, 1842, under orders from the war department, with a party of twenty men on a tour to the Rocky mountains. The object of the expedition was an examination of the country between the mouth of the Kansas and the head waters of the great river Platte, including the navigable parts of both these rivers, and what is called the Southern Pass in the Rocky mountains and the intermediate country, with a view to the establishment of a line of military posts from the frontier of Missouri to the mouth of the Columbia river. This expedition is connected with the proposition now before Congress to occupy the territory about the Columbia river, as proposed by Dr. Linn's bill.

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[1] Niles' National Register, Vol. 12—1842.

The great river Platte is the most direct line of communication between this country and the mouth of the Columbia, and that route is known to be practicable and easy. It therefore becomes important to ascertain the general character of that river and the adjacent country, and the facilities it will be likely to afford in prosecuting the contemplated settlements in Oregon. The Southern Pass, or depression in the Rocky mountains, is near the source of the extreme western branch of the Platte, and affords an easy passage for wagons which have frequently passed over it; and it is important that the latitude of this point should be ascertained, as it is thought that it will not vary much from the line established between the United States and Mexico, by the treaty of Spain in 1819. If this pass should fall south of that line (40 degrees north latitude) it may be necessary to examine the country north of it; the line of the Yellowstone, and the south branch of the Columbia would, it is thought, afford the next best route.

Lieutenant Fremont is well supplied with instruments for making astronomical observations; for fixing the latitude and longitude of important points; and a daguerotype apparatus for taking views of important points and scenes along the route; and, if not obstructed in his operations by large bands of Indians, which sometimes trouble small parties passing through that region, may be expected to impart much valuable information to the Government and the country.

Since the attention of the country has been directed to the settlement of the Oregon territory by our able Senator (Dr. Linn) and by reports of those who have visited that region in person, the importance of providing ample security for the settlers there, and the opening of a safe and easy communication from the western boundary of Missouri to the Columbia river, has been universally admitted.—*St. Louis Republican.*

John McLoughlin

1843.

PUBLIC MEETING AT THE INSTITUTE; MEETING AT JOSEPH GERVAIS; CANADIAN CITIZENS' ADDRESS; DR. WHITE AND HIS CREDENTIALS; PUBLIC MEETING AND A DIVISION HAD ON QUESTION OF ORGANIZATION; LEGISLATIVE COMMITTEE ELECTED; MEETING OF LEGISLATIVE COMMITTEE; MEETING TO RATIFY THEIR PROCEEDINGS; ELECTION OF EXECUTIVE COMMITTEE; DISTRICTING OF TERRITORY; REPORT OF JUDICIARY COMMITTEE; LAND LAW; MEMORIAL TO CONGRESS; OREGON CITY CONTROVERSY; DR. WHITE'S REPORT; EXTRACTS FROM DR. McLOUGHLIN'S MANUSCRIPT; FIRST PRINTING PRESS; EDINBURG REVIEW ARTICLE; WILLIAM SUTTON'S STATEMENT; CONGRESSIONAL PROCEEDINGS; DEATH OF SENATOR LINN; PROVISIONAL GOVERNMENT OFFICERS.

Proceedings of a Meeting Held at the Oregon Institute, February 2, 1843.

A public meeting, of a number of citizens of this colony, was called to order to take into consideration the propriety of adopting some measures for the protection of our herds, etc., in this country.

On motion, I. L. Babcock was called to the chair, who proceeded to state the objects of the meeting, and the necessity of acting.

Mr. W. H. Gray moved, and Mr. Torn seconded the motion, that a committee of six be appointed to notify a general meeting, and report business, etc., which motion was carried, and Messrs. W. H. Gray, Alanson Beers, Joseph Gervais, W. H. Willson, Barnaby and E. Lucie were appointed said committee.

Mr. Beers moved that a general meeting be called at the house of Mr. Joseph Gervais on the first Monday in March next, at 10 o'clock A. M., which motion carried.

I. L. BABCOCK, *Chairman.*

W. H. WILLSON, *Secretary.*

Journal of a Meeting at the House of J. Gervais, First Monday in March, 1843.

In pursuance of a resolution of a previous meeting, the citizens of Wallamet valley met, and, the meeting being called to order, Mr. James O'Neil was chosen chairman. Mr. Martin was chosen as secretary, but declined to serve, and Mr. Le Breton was chosen.

Minutes of former meeting were read.

The committee appointed to notify a general meeting and report business, made the following report:

Your committee beg leave to report as follows: It is admitted by all, that bears, wolves, panthers, etc., are destructive to useful animals owned by the settlers of this colony, your committee would submit the following resolutions, as the sense of this meeting, by which the community may be governed in carrying on a defensive and destructive war against all such animals:

First—*Resolved*, That we deem it expedient for this community to take immediate measures for the destruction of all wolves, panthers and bears, and such other animals as are known to be destructive to cattle, horses, sheep and hogs.

Second—That a treasurer be appointed, who shall receive all funds, and dispense the same, in accordance with drafts drawn upon him by the committee appointed to receive the evidences of the destruction of the above named animals; and that he report the state of the treasury, by posting up public notices once in three months, in the vicinity of each of the committee.

Third—That a standing committee of eight be appointed, whose duty it shall be, together with the treasurer, to receive the proofs, or evidences, of the animals, for which bounty is claimed, having been killed in the Wallamet valley.

Fourth—That a bounty of 50 cents be paid for the destruction of a small wolf; $3 for a large wolf; $1.50 for a lynx; $2 for a bear, and $5 for a panther.

Fifth—That no bounty be paid unless the individual claiming said bounty give satisfactory evidence, or present the skin of the head, with the ears, of all animals for which he claims a bounty.

Sixth—That the committee and treasurer form a board of advice to call public meetings, whenever they may deem it expedient, to promote and encourage all persons to use their vigilance in destroying all the animals named in the fourth resolution.

Seventh—That the bounties specified in the fourth resolution be limited to whites and their descendants.

Eighth—That the proceedings of this meeting be signed by the chairman and secretary, and a copy thereof be presented to the recorder of this colony.

All of the above resolutions were adopted.

On motion, W. H. Gray was chosen treasurer.

It was moved and carried that Messrs. McRoy, Gervais, Maitune, S. Smith, Dougherty, O'Neil, Shortes and Lucie be the standing committee.

G. W. Le Breton and Bridges were appointed collectors.

On motion, the following resolutions were adopted:

Resolved, That no money be paid to any white man, or his descendants, previous to the time of his subscription.

Resolved, That the bounty of a minor child be paid to a parent or guardian.

Resolved, That the draft for receiving subscriptions be drawn by Mr. Gray and Le Breton.

Resolved, That drafts on Fort Vancouver, the Mission, and the Milling Company be received as subscriptions as payment.

Mr. W. H. Gray introduced the following resolutions, which were adopted:

Resolved, That a committee be appointed to take into consideration the propriety of taking measures for the civil and military protection of this colony.

Resolved, That said committee consist of twelve persons, as follows: Messrs. Dr. Babcock, Dr. White, O'Neil, Shortess, Newell, Lucie, Gervias, Hubbard, McRoy, Gray, Smith and Gay were appointed said committee. On motion, meeting adjourned. JAMES O'NEIL, President.

G. W. Le Breton, Secretary.

The following address of the Canadian citizens was presented at the above meeting, and was laid aside for the present:

Address of the Canadian Citizens of Oregon to the Meeting at Champoeg, March 4,[1] 1843.

We, the Canadian citizens of the Willamette, considering, with interest and reflection, the subject which unites the people at the present meeting, present to the American citizens, and particularly to the gentlemen who called said meeting, the unanimous expression of our sentiments of cordiality, desire of union and inexhaustible peace between all the people, in view of our duty and the interest of the new colony, and declare:

First — That we wish for laws, or regulations, for the welfare of our persons, and the security of our property and labors.

Second — That we do not intend to rebel against the measures of that kind taken last year, by a party of the people; although we do not approve of certain regulations, nor certain modes of laws, let those magistrates finish their time.

Third — That we will not address a new petition to the Government of the United States, because we have our reasons, till the line be decided, and the frontiers of the states fixed.

Fourth — That we are opposed to the regulations anticipated, and exposed to the consequences for the quantity, direction, etc., of lands, and whatsoever expense for the same lands, because we have no direct guarantee from the Government to come, and, perhaps, to-morrow, all these measures may be broken.

Fifth — That we do not wish a provisional mode of Government, too self interested, and full of degrees, useless to our power, and overloading the colony instead of improving it; besides, men of laws and science are too scarce, and have too much to do in such a new country.

Sixth, — That we wish either the mode of Senate or Council, to judge the difficulties, punish the crimes (except capital penalties), and make the regulations suitable for the people.

Seventh — That the same Council be elected and composed of members from all parts of the country, and shall act in a body, on the plan of civilized countries in parliament, or as a jury, and to be represented, for example, by the President of said Council, and another member, as judge of the peace, in each county, allowing the principle of recalling to the whole Senate.

Eighth — That the members shall be influenced to interest themselves to their own welfare, and that of the public, by the love of doing good, rather than by the hope of gain, in order to take off from the esteem of the people all supicions of interest in the persons of their representatives.

Ninth — That they must avoid every law loading, and inexpedient to the people, especially to the new arrivals. Unnecessary taxes, and whatever records are of that kind, we do not want them.

Tenth — That the militia is useless at present, and rather a danger of bad suspicion to the Indians, and a delay, for the necessary labors; in the same time, it is a load; we do not want it, either, at present.

Eleventh — That we consider the country free, at present, to all nations, till Government shall have decided; open to every individual wishing to settle, without any distinction of origin, and without asking him anything, either to become an English, Spanish, or American citizen.

Twelfth — So we, English subjects, proclaim to be free, as well as those who came from France, California, United States, or even natives of this country; and we desire unison with all the respectable citizens who wish to settle in this country; or, we ask to be recognized as free amongst ourselves, to make such regulations as appear suitable to our wants, save the general interest of having justice from all strangers who might injure us, and that our reasonable customs and pretensions be respected.

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[1] Evidently intended for May 2, 1843.

Thirteenth — That we are willing to submit to any lawful Government when it comes.

Fourteenth — That we do not forget that we make laws only for necessary circumstances. The more laws there are, the more opportunities for roguery, for those who make a practice of it; and perhaps, the more alterations there will be some day.

Fifteenth — That we do not forget in a trial, that before all fraud on fulfilling some points of the law, the ordinary proofs of the certainty of the fact ought to be duly weighed, so that justice may be done, and no shame given for fraud.

Sixteenth — In a new country, the more men employed and paid by the public, the less remains for industry.

Seventeenth — That no one can be more desirous than we are, for the prosperity, amelioration, and the general peace of the country, and especially for the guaranty of our rights and liberties; and such is the wish we make for all those who are, or may become our fellow-countrymen, for long years of peace.

[Then follow our names and persons].

In regard to the above address, Mr. Le Breton who had taken a very active part in all the proceedings and posted himself as he could speak French, quietly laid the address aside.

Mr. Gray says: "By mutual agreement, the committee of twelve met at the Willamette Falls, about the middle of March, 1843. * * Dr. White was chosen temporary chairman, G. W. Le Breton, secretary of the committee, a motion was made and carried to invite the citizens of the valley to participate in the deliberations of the committee. Rev. Jason Lee, Rev. A. F. Waller, Geo. Abernethy, R. Moore, and in fact all the prominent men of the place were present and participated in the discussions."

Rev. Jason Lee and Mr. Abernethy were disposed to ridicule the proposed organization as foolish and unnecessary, and repeated some anecdotes to illustrate their meaning.

After the adjournment of the committee of twelve at the Wallamet Falls, the French and Hudson's Bay Company held a meeting at Vancouver, one at the Falls, and two in French Prairie at the Catholic church. At these meetings the course to be pursued was decided upon and the above address was drawn up and presented.

The meeting of the American citizens of June 1, 1841, adjourned to meet on the first Tuesday of the following October seems not to have occurred, or at least no records can be found that such a meeting was held, but there was a meeting held of which the following is a minute of the proceedings:

CHAMPOEG, June 23, 1843.

At a meeting of the citizens of the Willamette, Dr. Ira L. Babcock, chairman, and Geo. W. Le Breton, secretary, Dr. Elijah White was asked to show his credentials as United States Sub-Agent of Indian Affairs which he did, and a committee of seven were appointed to draft a set of resolutions as expressive of the feeling of the community. The committee consisted of Thomas J. Hubbard, Geo. W. Le Breton, Robert Shortess, Rev. Gustavus Hines, James O'Neil, George Abernethy, and Rev. Josiah L. Parrish, who presented the following and unanimously adopted:

Resolved, 1. That we, the citizens of Willamette valley, are exceedingly happy in the consideration, that the Government of the United States have manifested their intentions through their agent, Dr. E. White, of extending their jurisdiction and protection over this country.

Resolved, 2. That in view of the claims which the aborigines of this country have upon the sympathies of the white man, we are gratified at the appointment of an agent by the United States Government to regulate and guard their interests.

Resolved, 3. That we highly approve of the appointment of Dr. E. White to the above office, and that we will cordially co-operate with him in carrying out the measures of Government in reference to this country.

Resolved, 4. That we feel grateful to the United States Government for their intended liberality towards the settlers of this country, and for their intention to support education and literature among us.

Resolved, 5. That it will give us the highest pleasure to be brought as soon as practicable, under the jurisdiction of our mother country.

J. HUBBARD, G. W. LE BRETON, R. SHORTESS,
J. O'NEIL, G. HINES, J. L. PARRISH.

Resolved unanimously. That the doings of this meeting be transmitted to the Government of the United States by Dr. E. White, in order that our views and wishes in relation to this country may be known.

GEO. W. LE BRETON,
Secretary.

I. L. BABCOCK,
Chairman.

At a public meeting of the inhabitants of the Wallamet settlements, held in accordance with the call of the committee chosen at a former meeting, for the purpose of taking steps to organize themselves into a civil community, and provide themselves with the protection, secured by the enforcement of law and order.

Dr. I. L. Babcock was chosen chairman, and Messrs. Gray, Le Breton and Willson, secretaries.

The committee made their report, which was read, and a motion was made, that it be accepted, which was lost, considerable confusion existing in consequence.

It was moved by Mr. Le Breton, and seconded by Mr. Gray, that the meeting divide, preparatory to being counted; those in favor of the objects of this meeting taking the right, and those of a contrary mind the left, which being carried by acclamation, and a great majority being found in favor of organization, the greater part of the dissenters withdrew.[1]

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[1] The vote stood yeas 55, nays 50.

It was then moved and carried, that the report of the committee be taken up, and disposed of article by article.

A motion was made and carried, that a supreme judge, with probate powers be chosen to officiate in this community.

It was then moved and carried that the following officers be chosen: sheriff; three magistrates; three constables.

Moved and carried that a committee of nine persons be chosen for the purpose of drafting a code of laws, for the government of this community, to be presented to a public meeting to be hereafter called by them, on the fifth day of July next, for their acceptance.

A motion was made and carried, that a treasurer, be chosen also one major and three captains.

Moved and carried, that we now proceed to choose the persons to fill the varions offices, by ballot. W. E. Wilson[1] was chosen as supreme judge with probate powers; G. W. Le Breton, was chosen as clerk or recorder; J. L. Meek was chosen sheriff; W. H. Willson, was chosen treasurer.

Moved and carried that the remainder of the officers be chosen by hand ballot, and nominated from the floor.

Messrs. Hill, Shortess, Newell, Beers, Hubbard Gray, O'Neil, Moore, and Dougherty, were chosen to act as a legislative committee. Messrs. Burns, Judson and A. T. Smith were chosen to act as magistrates; Messrs. Ebbets, Bridges and Lewis were chosen to act as constables; John Howard as major; Messrs. Wm. McCarty, C. McRoy, and S. Smith were chosen captains.

Moved and carried, that the legislative committee make their report on the 5th day of July next, at Champooick.

Moved and carried that the services of the legislative committee be paid for, at $1.25 per day, and that the money be raised by subscription.

Moved and carried that the major and captains be instructed to enlist men to form companies of mounted riflemen.

Moved and carried that an additional magistrate and constable be chosen: Messrs. Campo was chosen magistrate, and Matthews constable.

Moved and carried that the legislative committee shall not sit more than six days.

The meeting then adjourned.

The question having arisen, with regard to what time the newly appointed officers shall commence their duties, the meeting was again called to order, when it was moved and carried, that the old officers remain in office till the laws are made and accepted, or until the next public meeting.

Attest: G. W. LE BRETON,
Secretary,

Journal of the Legislative Committee, May 16, 1843.

WILLAMETTE, May 16, 1843.

The legislative committee met, and came to order by choosing Mr. Moore, chairman, and G. W. Le Breton, secretary.

On motion of Mr. Gray, a committee of three, Messrs. Gray, Shortess and Newell, were appointed to prepare rules and business for this house.

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[1] This should be A. E. Wilson.

The committee on rules reported and were adopted article by article.

The chair appointed Messrs. Beers, Hubbard and Shortess committee on judiciary; ways and means, Messrs. Shortess, O'Neil and Dougherty; military affairs, Messrs. Hubbard, Newell and Gray; on private land claims, Messrs. Shortess, Dougherty and Hill; division of the country into districts, Messrs. Gray, Dougherty and Beers; adjourned.

The second day's proceedings consisted of reports of committees and committee of the whole.

May 19. The committees on judiciary recommended that an executive committee of three be elected at the public meeting that was to ratify their proceedings.[1]

The legislative committee then adjourned until Thursday, June 27, 1843.

The committee met pursuant to adjournment and spent two hours in considering the report of the revising committee to whom all the reports of the previous session had been referred and then adjourned to meet at Champooick, July 5, 1843.

Attest: G. W. LE BRETON, *Clerk.* ROBT. MOORE, *Chairman.*

Public meeting held on the 5th day of July, 1843.[2]

The inhabitants of Oregon territory met, pursuant to adjournment, to hear the report of the legislative committee, and to do such other business as might come before them.

The report of the legislative committee was considered section by section and very generally adopted.

The executive committee were elected by ballot, consisting of the following gentlemen: David Hill, Alanson Beers, and Joseph Gale.

Moved and carried, that the committee chosen to carry into effect the nineteenth resolution, have access to all public records, and also to have authority to call upon any individual for information, necessary to carry out their instructions.

Resolved, That the chairman of the meeting, assisted by the Rev. Messrs. Lee, Clark, and Leslie, be a committee to draft, and administer an oath of office, to the civil officers elected on the 3d of May, 1843; and that said officers be required to subscribe to the same, and administer the oath to the supreme judge, who shall hereafter qualify all civil and military officers elected by the people.

(Signed) G. W. LE BRETON, *Recorder.*

Report of Legislative Committee upon Districts.

The legislative committee recommend that the territory be divided into four districts, as follows:

First district to be called the Twality district, comprising all the country south of the northern boundary line of the United States, west of the Willamette or Multnomah river, north of the Yamhill river and east of the Pacific ocean.

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[1] The cause for this action was that it was ascertained that a single person could not be elected Governor, as the Methodist Mission would present a candidate, the foreign population, consisting of the Hudson's Bay Company and their adherents, and the American citizens who did not affiliate with either of the other two parties, and would endanger the whole scheme.

[2] The proceedings are so long, I give material portion.

Second district to be called the Yamhill district, embracing all the country west of the Willamette or Multnomah river, and a supposed line running north and south from said river, south of the Yamhill river to the parallel of 42° north latitude, or the boundary line of the United States and California, and east of the Pacific ocean.

Third district to be called the Clackamas district, comprehending all the territory not included in the other three districts.

Fourth district to be called the Champooick district, and bounded on the north by a supposed line drawn from the mouth of the Anchiyoke river, running due east to the Rocky mountains, west by Willamette or Multnomah river and a supposed line running due south from said river to the parallel of 42° north latitude, south by the boundary line of the United States and California, and east by the summit of the Rocky mountains.

The legislative committee also recommend that the above districts be designated as Oregon territory.

Approved by the people, July 5, 1843.

Attest: G. W. LE BRETON,
Recorder.

Report of Legislative Committee on Ways and Means.

The legislative committee report that a subscription paper, as follows, be put in circulation to collect funds for defraying the expenses of the Government:

We, the subscribers, pledge ourselves to pay, annually, to the treasurer of Oregon territory the sum affixed to our respective names, for the purpose of defraying the expenses of the Government. *Provided*, that, in all cases, each individual subscriber may, at any time, withdraw his name from said subscription, upon paying up all arrearages and notifying the treasurer of the colony, of such desire to withdraw.

Approved by the people, July 5, 1843.

Attest: G. W. LE BRETON,
Recorder.

Report of the Legislative Committee upon the Judiciary.

The legislative committee recommend that the following laws (upon judiciary) be adopted:

SECTION 1. We, the people of Oregon territory, for the purpose of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations, until such time as the United States of America extend their jurisdiction over us.

Be it therefore enacted by the free citizens of Oregon territory, That the said territory, for the purposes of temporary Government, be divided into not less than three, nor more than five districts, subject to be extended to a greater number when an increase of population shall require it.

For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of Government that may hereafter be adopted,

Be it enacted, That the following articles be considered as articles of compact among the free citizens of this territory:

ARTICLE 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiment.

ART. 2. The inhabitants of said territory shall always be entitled to the benefits of the writ of *habeas corpus* and trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings, according to the course of common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate. and no cruel or unusual punishments inflicted. No man shall be deprived of his liberty but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force, in said territory, that shall in any manner whatever interfere with, or affect private contracts, or engagements, *bona fide*, and without fraud previously formed.

ART. 3. Religion, morality and knowledge being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged.

The utmost good faith shall always be observed toward the Indians. Their lands and property shall never be taken away from them without their consent; and, in their property, rights and liberty they shall never be invaded or disturbed, unless in just and lawful wars, authorized by the representatives of the people; but laws, rounded in justice and humanity, shall, from time to time, be made for preventing injustice being done to them, and for preserving peace and friendship with them.

ART. 4. There shall be neither slavery nor involuntary servitude in said territory, otherwise than for the punishment of crimes whereof the party shall have been duly convicted.

SEC. 2. ART. 1. *Be it enacted by the authorities aforesaid*, That the officers elected on the 2d of May, shall continue in office until the second Tuesday in May, 1844, and until others are elected and qualified.

ART. 2. *Be it further enacted*, That an election of civil and military officers shall be held annually on the second Tuesday in May, in the several districts of such places as shall be designated by law.

ART. 3. Each officer heretofore elected, or hereafter to be elected, shall, before entering upon the duties of his office, take an oath or affirmation to support the laws of the territory, and faithfully to discharge the duties of his office.

ART. 4. Every free male descendant of a white man, an inhabitant of this territory, of the age of twenty-one years and upwards, who shall have been an inhabitant of this territory at the time of its organization, shall be entitled to vote at the election of officers, civil and military, and be eligible to any office in the territory; *provided*, that all persons of the description entitled to vote by the provisions of this section, who shall have emigrated to this territory after organization, shall be entitled to the rights of citizens after having resided six months in the territory.

ART. 5. The executive power shall be vested in a committee of three persons, elected by the qualified voters at the annual election, who shall have power to grant pardons and reprieves for offenses against the laws of the territory; to call out the military force of the territory to repel invasion, or suppress insurrection; to take care that the laws are faithfully executed, and to recommend such laws as they may consider necessary, to the representatives of the people, for their action. Two members of the committee shall constitute a quorum to transact business.

ART. 6. The legislative power shall be vested in a committee of nine persons, who shall be elected by the qualified electors at the annual election, giving to each district a representation in ratio of its population, excluding Indians; and the said members of the committee shall reside in the district for which they shall be chosen.

ART. 7. The judicial power shall be vested in a supreme court, consisting of a supreme judge and two justices of the peace; a probate court, and in justices of the peace. The jurisdiction of the supreme court shall be both appellate and original; that of the probate court and justices of the peace as limited by law: *Provided*, That individual justices of the peace shall not have jurisdiction of any matter of controversy, when the title or boundary of land may be in dispute, or where the sum claimed exceeds $50.

ART. 8. There shall be a recorder elected by the qualified electors, at the annual election, who shall keep a faithful record of the proceedings in the legislative committee, supreme and probate courts; also record all boundaries of land presented for that purpose, and all marks and brands used for marking live stock; procure and keep the standard weights and measures required by law, seal weights and measures, and keep a record of the same; and also record wills and deeds, and other instruments of writing, required by law to be recorded. The recorder shall receive the following fees, viz: For recording wills, deeds, and other instruments of writing, 12 cents for every 100 words, and the same price for copies of the same; for every weight or measure sealed, 25 cents; for serving as clerk of the legislative committee, the same daily pay as the members of the legislature; and for all other services required of him by this act, the same fees as are allowed for similar services by the laws of Iowa.[1]

ART. 9. There shall be a treasurer elected by the qualified electors of the territory, who shall, before entering upon the duties of his office, give bond to the executive committee in the sum of $1,500, with two or more securities, to be approved by the executive committee, conditional for the faithful discharge of the duties of his office. The treasurer shall receive all moneys belonging to the territory, that may be raised by contribution, or otherwise, and shall procure suitable books, in which he shall enter an account of his receipts and disbursements.

ART. 10. The treasurer shall in no case pay money out of the treasury, but according to law, and shall annually report to the legislative committee a true account of his receipts and disbursements, with necessary vouchers for the same, and shall deliver to his successor in office, all books, moneys, accounts, or other property, belonging to the territory, as soon as his successor shall become qualified.

ART. 11. The treasurer shall receive, for his services, the sum of 5 per cent. of all moneys received and paid out, according to law, and 3 per cent. of all moneys in the treasury when he goes out of office, and 2 per cent. upon the disbursement of all money in the treasury when he comes into office.

ART. 12. The laws of Iowa territory shall be the law in this territory, in civil, military, and criminal cases; where not otherwise provided for, and where no statute of Iowa territory applies, the principles of common law and equity shall govern.

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[1] There was only one law book at this time in Oregon, and that was a copy of the Statute of Iowa.

ART. 13. The law of Iowa territory, regulating weights and measures, shall be the law of this territory: *Provided*, That the supreme court shall perform the duties of the county commissioners, and the recorder shall perform the duties of the clerk of the county commissioners, as prescribed in said laws of Iowa:[1] *And provided*, That sixty pounds, avoirdupois weight, shall be the standard weight of a bushel of wheat, whether the same be more or less than 2,150 2-5 cubic inches.

ART. 14. The laws of Iowa territory, respecting wills and administrations, shall be the laws of this territory in all cases not otherwise provided for.

ART. 15. The law of Iowa respecting vagrants is hereby adopted, as far as adapted to the circumstances of the citizens of Oregon.

ART. 16. The supreme court shall hold two sessions annually, upon the third Tuesdays in April and September; the first session to be held at Champooick, on the third Tuesday of September, 1843, and the second session at Twality Plains, on the third Tuesday of April, 1844. At the session of the supreme court, the supreme judge shall preside, assisted by two justices; *Provided*, That no justice shall assist in trying any case that has been brought before the court by appeal from his judgment. The supreme court shall have original jurisdiction in cases of treason, felony, or breaches of the peace, and in civil cases, where the sum claimed exceed $50.

ART. 17. All male persons, of the age of 16 years and upwards, and all females, of the age of 14 and upwards, shall have a right of engaging in marriage: *Provided*, That where either of the parties shall be under the age of 21, the consent of the parents or guardians of such minors shall be necessary to the validity of such matrimonial engagement. Every ordained minister of the gospel of any religious denomination, the supreme judge, and all justices of the peace are hereby authorized to solemnize marriages according to law, to have the same recorded, and pay the recorder's fee. All marriages shall be recorded by the territorial recorder, within one month from the time of such marriage taking place and being made to him officially. The legal fee for marriage shall be $1, and for recording the same, 50 cents.

ART. 18. All offices subsequently made shall be filled by election and ballot in the several districts, in the most central and convenient place in each district, upon the day appointed by law, and under such regulations as the laws of Iowa provide.

ART. 19. *Resolved*, That a committee of three be appointed to draw up a digest of the doings of the people of this territory, with regard to an organization, and transmit the same to the United States Government, for their information.

Resolved, That the following portions of the laws of Iowa, as laid down in the statute laws of the Territory of Iowa, enacted at the first session of the legislative assembly of said territory, held at Burlington, 1838-1839; published by authority; certified to by William B. Conway, secretary of Iowa territory, be adopted as the laws of this territory.[2]

Approved by the people, July 5, 1843.

G. W. LE BRETON,
Recorder.

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[1] I copy this as I find it, but it is evident that this paragraph belongs to Art 16.

[2] I omit the laws cited as at present immaterial.

Law of Land Claims.

ARTICLE I. Any person now holding, or hereafter wishing to establish, a claim to land in this territory, shall designate the extent of his claim by natural boundaries, or by marks at the corners and on the lines of such claim, and have the extent and boundaries of such claim recorded in the office of the territorial recorder, in a book to be kept by him for that purpose, within twenty days from the time of making said claim: *Provided*, that those who shall already be in possession of land, shall be allowed one year from the passage of this act, to file a description of his claim at the recorder's office.

ART. 2. All claimants shall, within six months of the time of recording their claims, make permanent improvements upon the same by building or enclosing, and also becoming an occupant upon said claim within one year from the date of such record.

ART. 3. No individual shall be allowed to hold a claim of more than one square mile, or 640 acres in a square or oblong form, according to the natural situation of the premises; nor shall any individual be allowed to hold more than one claim at the same time. Any person complying with the provisions of these ordinances, shall be entitled to the same recourse against trespass as in other cases by law provided.

ART. 4. No person shall be entitled to hold such a claim upon city or town sites, extensive water privileges, or other situations necessary for the transaction of mercantile or manufacturing operations, to the detriment of the community *Provided*, that nothing in these laws shall be so construed as to effect any claim of any mission of a religious character, made previous to this time, of an extent not more than six miles square.

Approved by the people, July 5, 1843.

Attest: G. W. LE BRETON,
Recorder.

The following petition or memorial was drawn up and signed by a large number of the then settlers, and I insert without comment, allowing the reader to form his own opinion and history to render its verdict:

Petition of Citizens of Oregon in 1843.

To the Honorable the Senate and House of Representative of the United States of America in Congress assembled: We, the undersigned, settlers south of the Columbia river, beg leave respectfully to present to your honorable body:

As has been before represented to your honorable body, we consider ourselves citizens of the United States, and acknowledge the right of the United States to extend its jurisdiction over us; and the object of the present memorial is to ask that the protection of the United States may be extended to us as soon as possible. Hitherto our numbers have been small, and the few difficulties that arose in the settlement were speedily and satisfactorily settled. But, as our own settlement increases in numbers, so our difficulties increase in numbers and importance; and, unless we have laws to govern us that will be respected and obeyed, our situation will be a deplorable one. Where the highest court of appeal is the rifle, safety in life and property cannot be depended upon.

The state of the country, its climate, resources, soil, productions, etc., has already been laid before your honorable body, in Captain Wyeth's memoir, and in former memorials from the inhabitants of this place.

Laws are made to protect the weak against the mighty, and we feel the necessity of them in the steps that are constantly taken by the Honorable Hudson's Bay Company, in their opposition to the improvement and enterprise of American citizens. You have been apprised already of their opposition to Captain Wyeth, Bonneville and others, and we find that the same spirit dwells with them at the present day. Some years ago, when the Hudson's Bay Company owned all the cattle in the country they would not sell on any conditions; but they would lend their cows to the settler—he returning to the company the cows loaned with all the increase; and in case of the death of a cow, he then had the privilege of paying for it. But after the settlers, at great risk and expense, went to California and purchased for themselves, and there was a fair prospect of the settlement being supplied, then the Hudson's Bay Company were willing to sell, and at a lower rate than the settlers could sell.

In the year 1842, feeling the necessity of having mills erected that could supply the settlement with flour and lumber, a number of the inhabitants formed themselves into a joint stock company, for the purpose of supplying the growing wants of the community. Many of the farmers were obliged to leave their farms on the Wallamet, and go six miles above Vancouver, on the Columbia river, making the whole distance about sixty miles, to get their wheat ground, at a great loss of time and expense. The company was formed and proceeded to select a site. They selected an island at the falls of the Wallamet, and concluded to commence operations. After commencing they were informed by Dr. McLoughlin, who is at the head of the Hudson's Bay Company's affairs west of the Rocky mountains, that the land was his, and that he (although a chief factor of the Hudson's Bay Company) claimed all the land on the east side of the Wallamet, embracing the falls down to the Clackamas river, a distance of about two miles. He had no idea, we presume, that the company would succeed. However, he erected a shed on the island, after the stuff was on the island to build a house, and then gave them permission to build under certain restrictions. They took the paper he wrote them containing his conditions, but did not obligate themselves to comply with the conditions, as they did not think his claim just or reasonable.

Many projects had been started by the inhabitants, but, for want of means and encouragement, failed. This fate was predicted for the milling company. But, after much labor and difficulty, they succeeded in getting a sawmill erected and ready to run, and entered into a contract to have a grist-mill erected forthwith. And now, as they have succeeded, where is the Hudson's Bay Company? Dr. McLoughlin employs hands to get out a frame for a saw-mill, and erect it at Wallamet falls; and we find, as soon as the frame is up, the gearing, which has been made at Vancouver, is brought up in boats; and that which cost a feeble company of Americans months of toil and embarrassment, is accomplished by the chief factor of the Hudson's Bay Company in a few weeks. He has men and means, and it is said by him that in two weeks his mill will be sawing. And what will be the consequence? Why, if the milling company sell for $15 per thousand, he can sell for $12; if they reduce the price to $10, he can come to $8 or $5, or $2 per thousand. He says he will have a grist-mill started as soon as he gets the saw-mill in operation.

All the wheat in Oregon they are anxious to get, as they ship it to the Russians, on the northwest coast. In the first place they measured the wheat in a half-bushel, called by them imperial measure, much larger than the standard measure of the United States; this not answering, they next proceed *to kick the half-bushel with the foot to settle the wheat*; then they brought up a measure larger than the former one; and now they fill this measure, then strike it *three times with a stout club*, and then fill up, and call it a fair measure. Against such proceedings we need law that will be respected and obeyed.

About twelve or fourteen years ago, the Hudson's Bay Company blasted a canal a few feet to conduct water to a mill they were going to build, the timber for which is now lying at the falls rotting. They, however, abandoned the thing altogether, and built their mills on the Columbia, about six miles above Vancouver, on the north side or the river.

In the year 1837, agreeable to orders left by Mr. Slacum, a house was erected at the falls, to secure the claim for him.

In 1840, the Methodist Mission erected buildings at the falls, and stationed two families there, and made a claim to sufficient land for their buildings, not interfering with any others who might wish to build. A short time previous to this Dr. McLoughlin had a stone house erected for the company, not occupied, however, further than to store wheat and other articles in, and as a trading house during the salmon season.

After this, in 1841, a shanty was erected, and a man kept at the falls, whose business it was to trade with the Indians for furs and salmon, and to look out for the doctor's claim, he said, and to forbid persons building at the falls, as some had built, and others were about building. This man was, and still is, a servant of the Hudson's Bay Company.

During the years 1841 and 1842, several families settled at the falls, when Dr. McLoughlin, who still resides at Fort Vancouver, comes on the ground and says the land is his, and any person building without his permission is held as a trespasser. Without reference to any person's rights or claim, he employed a surveyor to run out the plat; and as a bill was before the Senate of the United States to grant to every white male inhabitant a mile square, he has a mile run out to suit his views, and lays out a town plat at the falls, and calls it Oregon City. Although some, for peace sake, asked him for the lots they had already in possession, and which he appeared very willing to grant, the doctor now felt secure, and posted up the annexed paper (marked A), which is the original; and all who had lots were required to pay Mr. Hastings five dollars for a deed of land which they knew very well the grantor did not own, but that Congress will pass a special act granting to each man his lot and improvements. Those that applied received (if they had a house on the lot) a deed, a copy of which is annexed (marked B); if they had no house a bond was given for five dollars, a copy of which is annexed (marked C). To those that applied and paid five dollars all was right with the doctor; while those who considered his title to the land not good, and that therefore he had no right to direct who should build and who should not, had their lots sold to others. In one case the purchaser came to the original claimant and ordered him to stop digging the ground which he was preparing for a garden, and commanded him to remove his fences, as he had Dr. McLoughlin's bond in his pocket for the lots; and if he did not remove the fence he would take forcible possession. Those who desired to have no difficulty, and did not apply for a deed, have lost their lots, the doctor's promise and all. And Mr. Hastings (the doctor's agent) is now offering for sale the lots on which part of the mission buildings stand; and if he succeeds in finding a purchaser, they must either contend or lose their buildings.

Dr. McLoughlin has held claims in other places south of the Columbia river; at the Tualatin Plains and Clackamas Plains he had huts erected, to prevent others from building; and such is the power of Dr. McLoughlin, that many persons are actually afraid to make their situation known, thinking, if he hears of it, he will stop their supplies. Letters were received here from Messrs. Ladd & Co., of the Sandwich Islands, in answer to a letter written by the late Mr. Ewing Young, for a few supplies, that orders were received forbidding the company's vessels carrying any goods for the settlers of Oregon. Every means will be made use of by them to break down everything that will draw trade to this country, or enable persons to get goods at any other place than their store.

One other item, and we are done. When the United States Government officers of distinction arrives, Vancouver is thrown open, and every facility afforded them. They were even more condescending to the settlers during the time the exploring squadron was in the Columbia; nothing was left undone to give the officers a high opinion of the Honorable Hudson's Bay Company. Our Indian Agent is entirely dependent on them for supplies and funds to carry on his operations.

And now your memorialists pray your honorable body that immediate action of Congress be taken in regard to this country, and good and wholesome laws be enacted for our Territory, as may in your wisdom, be thought best for the good of the American citizens residing here. And your memorialists will ever pray.

Robert Shortess, A. E. Wilson, W. C. Remick, Jeffrey Brown, E. N. Coombs, Reuben Lewis, Geo. Davis, V. Bennett, J. Rekener, T. J. Hubbard, Jas. A. O'Neil, J. Horregon, Wm. McCarty, Chas. Compo, John Howard, R. Williams, G. Brown, John Turner, Theo. Pancott, A. F. Waller, J. R. Robb, J. L. Morrison, M. Crawford, John Anderson, Jas. M. Bates, L. H. Judson, Joel Turnham, Richard H. Ekin, H. Campbell, Jas. Force, W. H. Willson, Felix Hathaway, J. Lawson, Thos. J. Shadden, Joseph Gibbs, S. Lewis, Jr., Chas. Roy, Wm. Brown, A. Beers, J. L. Parrish, Wm. H. Gray, A. D. Smith, J. C. Bridges, Aaron Cook, A. Copeland, S. W. Moss, Gustavus Hines, Geo. W. Le Breton, Daniel Girtman, C. T. Arrendrill, A. Towner, David Carter, J. J. Campbell, W. Johnson, John Edmunds, W. Hauxhurst, W. A. Pfieffer, J. Holman, H. B. Brewer, Wm. C. Sutton, S. Davis, Joseph Yalter, J. Hopstater, J. W. Bellomy, W. Brown.

A.

Notice is hereby given to all whom it may concern, that those who have obtained grants of lots in Oregon City, will be expected to call upon L. W. Hastings, my authorized agent at Oregon City, and obtain a bond for a deed or deeds, as the case may be. Those who hold claims to any lot, and who comply with the above requisite, on or before the first day of February next, will be entitled to their lot or lots; otherwise, the lots upon which they hold a claim will thereafter be subject to any disposition which the undersigned may think proper to make of them.

January 18, 1843. JOHN McLOUGHLIN.

OREGON CITY, March 27, 1843.

We, the undersigned, do hereby certify that the above notice of John McLoughlin was posted up in the most public places in this town.

R. SHORTESS,
A. E. WILSON.

B.

Deed—John McLoughlin to Walter Pomeroy.

Know all men by these presents, that I, John McLoughlin, of Fort Vancouver, in the Territory of Oregon, for and in consideration of the sum of one dollar, to me in hand paid by Walter Pomeroy, of Oregon City, of the Territory aforesaid, the receipt whereof is hereby acknowledged, have this day, and do, by these presents, remit, release, and forever quit-claim unto the said Pomeroy, his heirs and assigns, all and singular, the following piece, parcel, and lot of land, bounded, and described as follows, to-wit: Commencing at the northeast corner, running thence southerly sixty-six feet to a stake, thence easterly one hundred feet to a stake at the place of beginning, being lot number four, in block number three, in the town of Oregon City, in the Territory of Oregon, which will more fully appear from a reference to the map and plat of said town.

To have and to hold the same, together with all and singular the privileges and appurtenances thereunto in any wise appertaining or belonging unto the said Pomeroy, his heirs, executors, administrators or assigns, forever. And I, the said McLoughlin, for myself, do vouch and declare that I am the true and proper claimant of and to the said premises and lot of land, and that I have in myself full power, good right, and sufficient authority to remit, release, and quit my claim in and to said lot and premises, in manner and form aforesaid.

And I, the said McLoughlin, do hereby covenant and agree to warrant and defend the said premises, together with the privileges and appurtenances thereunto appertaining or belonging, to the said Pomeroy, his heirs and assigns, against all lawful claims of all persons whomsoever, the claims of the Government only excepted.

In testimony whereof, I, the said McLoughlin, have hereunto set my hand and affixed my seal, this the 2d of March, A. D. 1843.

[L. S.] JOHN McLOUGHLIN.

Per L. W. HASTINGS, his agent.

We, the undersigned, do hereby acknowledge that the above is a true and correct copy of the original.

R. SHORTESS.
A. E. WILSON.

"C," is merely a bond for a deed drawn up in the usual law terms and is quite long, and as the two above will plainly indicate that Dr. McLoughlin considered that he had as clear a right to the land as could be obtained at that time, and it was the sole cause undoubtedly of the preceding memorial being drawn up, quite extensively signed and sent to Washington. From the best information that I can obtain, it seems that in 1839, Dr. McLoughlin bought out an American citizen by the name of W. C. Remick, who located it as a land claim and had a cooper shop near where the Imperial mill now stands. In 1840, Dr. McLoughlin got out some timbers to build a mill, and loaned the timber to Rev. A. F. Waller of the M. E. Mission to build a house for (as he understood it), church purposes. In 1843, Dr. McLoughlin employed Wm. H. Gray to build him a house, and as soon as it was finished (1844), he moved his family into it and remained there permanently. Mr. Gray says:

"It was unfortunate that, at the time Dr. McLoughlin was making his claim to the land and his improvements at Oregon City, it was not known that he had, or would, sever his connection with the Hudson's Bay Company, and become an American citizen, as he afterwards did. It was his connection with, and apparent control over, the affairs of the company, that created the strong American prejudice against him, and deceived many as to his intentions, besides giving occasion for a strong feeling in favor of Rev. Mr. Waller, who employed a Mr. John Ricord to prepare a declaration setting forth his claim to that location."—*Gray's His. p. 300.*

Mr. Ricord issued a lengthy declaration from which I make the following liberal quotations:

To the People of Oregon,—Fellow-citizens: Having been retained professionally to establish the claim of Mr. Alvin F. Waller to the tract of land on the east side of the Wallamet river, sometimes called the Wallamet Falls settlement, and sometimes Oregon City, I consider it a duty to my client and to the public to state, briefly and concisely, the several circumstances of his case, as they really exist, in order that his motive may not be impugned, nor his intentions misunderstood and misrepresented."

"The public are already aware that my client commenced the occupancy of his farm in the spring of 1840, when no one resided at the falls, and that, in the course of that summer, he built his house, moved his family into it, and cleared and fenced a good portion of the land; from which, in the ensuing years, 1841 and 1842, he raised successive crops of corn, potatoes and other vegetables usually cultivated by farmers. That he remained thus occupying undisturbed, until the month of December, 1842, about two years and six months, when Dr. John McLoughlin caused his farm to be surveyed, for the purpose of selling it in subdivisions to American citizens. It has since been currently reported and quite generally believed that my client had renounced his right in favor of Dr. McLoughlin. This I am authorized to contradict, having perused the letter written by Mr. Waller, which not only contains no renunciation, but, on the contrary, is replete with modest and firm assertions of his rights in the premises; offering at the same time to relinquish his claim if the doctor would comply with certain very reasonable and just conditions. Upon this offer the parties had come to no final conclusion until my arrival in the colony. Mr. Waller engaged me to submit the conditions a second time to the doctor for his acceptance or rejection, which I did in the following words:

"1. That your pre-emptive line be so run as to exclude the island upon which a private company of citizens have already erected a grist mill, conceding to them as much water as may be necessary for the use of said mill."

"2. That Mr. Waller be secured in the ultimate title to the two city lots now in possession and other lots not exceeding in superficial area five acres, to be chosen by him from among the unsold lots of your present survey."

"3. That the Rev. Mr. Lee, on behalf of the Methodist Episcopal Mission, be in like manner, secured in the lots claimed for the use of said mission. They consist of church and parsonage lots."

"I received a letter from Dr. McLoughlin, dated Nov. 10, 1843, in answer to mine, in which he declines complying with the above conditions, and thus puts an end to the offer of my client to relinquish his rights of pre-emption. * * *

"The legality of Mr. A. F. Waller's claim rests upon the following grounds:

"1. He is a citizen of the United States, of full age, and possessed of a family when he came to reside on the premises; 2, He built a house upon them and moved his family into it, thus becoming in fact and in law a householder; 3, He cleared, fenced, and cultivated a portion of it during two years and six months before he was disturbed in his actual settlement; and 4, that he is not at this moment continuing to cultivate his farm is not his fault, since it was wrested from him."

"The illegality of Dr. McLoughlin's claim rests upon the following grounds:"

"1. He was a British subject owing allegiance to a foreign Power, and has so continued to be ever since the spring of 1840. For this reason alone he could not acquire pre-emption to lands in the United States; 2, He is a chief officer of a foreign corporative monopoly. For this reason alone he could not acquire pre-emption to lands in the United States; 3, He does not now, and never did, reside on the land in question; but, on the contrary, he resides, and has always continued to reside, on the north bank of the Columbia river, the section of country actually in dispute between the two Governments, about twenty miles from the land claimed by Mr. Waller, and there he is obliged to remain so long as he continues to be Chief Factor; 4, He is not in fact the claimant. The Hudson's Bay Company, a foreign corporation, is in fact the claimant, while Dr. McLoughlin only lends his name; well knowing that a corporation, even though it be an American one, can not acquire a pre-emption. This is evinced by the employment of men to be his agents, and to sell lots for him, who are at the same time partners in, and receiving dividends and salaries from the company; 5 The pretensions of Dr. McLoughlin's arose, if at all, two years and six months after actual settlement of Mr. Waller; therefore they are in direct violation of the treaty of 1827, converting the mutual and joint occupation into an exclusive occupancy by British subjects; 6, The treaty of joint occupation (1827) does not, and was never intended, on the part of the United States, to confer any rights of citizenship upon foreigners. The power to confer such rights is, by the Constitution, reserved to Congress. And the right to acquire title by pre-emption is peculiar to citizens."

"These, fellow-citizens, are the facts and some of the points of law in my client's case. Upon the same principle contended for by Dr. McLoughlin, any of you may incur the risk of being ousted from your farms in this colony, by the next rich foreigner who chooses to take a fancy so to do, unless in the first instance you come unanimously forward and resist these usurpations." * * * "I am of the opinion that Mr. Waller has rights in the premises which neither Dr. McLoughlin, nor even Congress, by any retrospective legislation, can take away from him."

JOHN RICORD,

Counselor in the Supreme Court of the United States, and attorney for Alvin F. Waller.

Dated Dec. 20, 1843."

The animosity thus created against Dr. McLoughlin by the action of Ricord and others, was kept up until the question was brought into Congress by Delegate Thurston, and consummated by the celebrated amendment to the eleventh section to the land law, which robbed the good doctor of his land, and caused him infinite trouble until this great wrong was finally rectified by the Oregon Legislature only a short time before his death, through the exertion of Hon. L. F. Grover.

Rev. Mr. Waller, with whom I was personally acquainted for years, was a good, kind hearted man. He intended to do right, but was a zealot, strongly prejudiced against the Catholic church. He was somewhat narrow in his religious views, but his surroundings were largely responsible for that failing. His principal life work was the building up of educational institutions in Oregon, and its result can now be seen in the success of the Willamette University, to which he contributed more than any other man. He was not fully appreciated until after his death.

Dr. White sent the following report of his operations in Oregon to the Commissioner of Indian Affairs:

Dr. Elijah White's report.

OREGON, April 1, 1843.

SIR:—On my arrival, had the honor and happiness of addressing you a brief communication, giving information of my safe arrival, and that of our numerous party to these distant shores.

At that time it was confidently expected that a more direct, certain, and expeditious method would be presented to address you in a few weeks; but that failing, none has offered till now.

I think I mentioned the kind and hospitable manner we were received and entertained on the way by the gentlemen of the Hudson's Bay Company, and the cordial and most handsome reception I met with at Fort Vancouver from Governor McLoughlin and his worthy associate, Chief Factor James Douglas, Esq.; my appointment giving pleasure rather than pain—a satisfactory assurance that these worthy gentlemen intend eventually to settle this country, and prefer American to English jurisdiction.

On my arrival in the colony sixty miles south of Vancouver, being in advance of the party, and coming unexpectedly to the citizens, bearing the intelligence of the arrival of so large a re-enforcement and giving assurance of the good intentions of our Government, the excitement was general, and two days after we had the largest and happiest public meeting ever convened in this infant colony.

I found the colony in peace and health, and rapidly increasing in numbers, having more than doubled in population during the last two years. English, French, and half-breeds, seem equally with our people, attached to the American cause; hence the bill of Mr. Linn, proffering a section of land to every white man of the territory, has the double advantage of being popular and useful, increasing such attachment, and manifestly acting as a strong incentive to all, of whatever nation or party to settle this country.

My arrival was in good time, and probably saved much evil. I had but a short season of rest after so long, tedious, and toilsome a journey, before information reached me of the very improper conduct of the upper country Indians toward the missionaries sent by the American Board of Commissioners, accompanied with a passport, and a desire for my interposition in their behalf at once.

I allude to the only three tribes from which much is to be hoped, or anything to be feared in this part of Oregon. These are the Walla Walla's, Cayuses, and Nez Perces, inhabiting a district of country on the Columbia and its tributaries, commencing 240 miles from its mouth, and stretching 480 miles into the interior. The Walla Walla's most contiguous to the colony, number some 3,000, including the entire population. They are in general poor, indolent and sordid, but avaricious; and what few have property, in horses and herds, are proud, haughty, and insolent. The Cayuses next easterly, are less numerous, but more formidable, being brave, active, tempestuous and warlike. Their country is well watered, gently undulating, extremely healthy, and admirably adapted to grazing as Dr. Marcus Whitman, who resides in their midst, may have informed you. They are comparatively rich in herds, independent in manner, and not unfrequently boisterous, saucy, and troublesome in language and behavior. The Nez Perces, still further in the interior, number something less than 3,000; they inhabit a beautiful grazing district not surpassed by any I have seen for verdure, water privileges, climate or health. The tribe forms to some extent, an honorable exception to the general Indian character, being more noble, industrious, sensible and better disposed toward the whites and their improvements in the arts and sciences; and though as brave as Cæsar, the whites have nothing to dread at their hands, in case of their dealing out to them what they conceive to be right and equitable. Of late these three tribes have become strongly united by reason of much intermarriage. For the last twenty years they have been generally well disposed toward the whites, but at the time Captain Bonneville visited this district of country, he dealt more profusely in presents and paid a higher price for furs than Mr. Pambrun, one of the traders of the Hudson's Bay Company, established at Walla Walla, who had dealt long with them and was previously a general favorite.

On Captain Bonneville's leaving, the chiefs assembled at the fort and insisted on a change of tariff in their favor. Pambrun refusing, they seized him stamped violently upon his breast, beat him severely and retained him as prisoner in rather unenviable circumstances, till they gained to a considerable extent their object. Since that time they have been more consequential in feeling, and show less deference and respect to the whites. On the arrival of missionaries among them, they have never failed to make at first, a most favorable impression, which has in most instances, unfortunately, led to too near an approach to familiarity, operating alike prejudicial to both parties. The Rev. Messrs. Lee and Parker, who made each but a short stay among them, left with like favorable impression.

Their successors, Spalding, Whitman, Gray and ladies, with others who remained among them, were at last driven to the conclusion that Indians as much resembled each other in character as complexion. These worthy people, not well versed in Indian character, anxious to accomplish a great deal in a short time, resorted to various expedients to induce them to leave off their wandering migratory habits, and settle down contiguous to them in herding and agricultural pursuits, so as to be able to send their numerous and healthy children to school. In these efforts they were zealous and persevering, holding out various inducements as so many stimulants to action, most of which would have operated in civilized life, but generally failed with these Indians; and whatever was promised conditionally, whether the condition was met or otherwise, there was no reprieve — the promised article must come; and sometimes, under circumstances sufficiently trying, had these missionaries been less devoted, they would have driven them from their post forever.

The Indians having gained one and another victory, became more and more insolent, till at last, sometime previous to my arrival, they were not only obtrusive and exceedingly annoying about and in the missionaries' houses, but seized one of the clergymen in his own house, without a shadow of provocation, further than that of treating a better neighboring chief with more respect than they, and insulting him most shamefully, there being no other white person within fifty miles, save his sick and delicate lady. Soon after, they commenced on Dr. Whitman, pulling his ears and hair, and threw off his hat three times in the mud at his feet. A short time after, the chiefs assembled, broke into the house, violently assailed his person with war clubs, and, with an ax broke down the door leading to his own private apartments. It is generally thought and possibly with truth, that on this occasion, Dr. Whitman would have been killed, had not a party of white men arrived in sight just at this moment. Never was such an outrage and insult more undeserved. He had built for the express purposes of Indian accommodation, a house of the same materials and finished in like manner with his own, of respectable size and joined to his, and at all times, night and day accessible. In addition to this, they were admitted to every room in his house but one; this being closed, had nearly cost him his life.

He had hardly left for the States last fall, when, shocking to relate, at the hour of midnight, a large Indian chief managed to get into the house, came to the door of Mrs. Whitman's bed chamber and had succeeded in getting it partially opened before she reached it. A white man sleeping in an adjoining apartment, saved her from violence and ruin. The villain escaped. There was but one thing wrong in this matter on the part of Dr. Whitman, and that was a great error, — leaving his excellent lady unprotected in the midst of savages. A few days after this they burned down the mission mill on his premises with all its appendages and considerable grain, damaging them not less than twelve or fifteen hundred dollars. About the same time, Mrs. Spalding was grossly insulted in her own house, and ordered out of it in the absence of her husband. Information reached him of an Indian having stolen his horse near the same time, he hastened to the spot to secure the animal; the rogue had crossed the river, but immediately returning, he presented his loaded gun, cocked, at the breast of Mr. Spalding and abused and menaced as far as possible without shooting him.

In addition to this, some of our party were robbed openly of considerable property, and some twelve horses stolen by night. All this information coming near the same time, was embarrassing, especially as my instructions would not allow me to exceed for office, interpreter and every purpose, $1,250 per annum. On the other hand, their passport, signed by the Secretary of War, made it my imperative duty to protect them, in their persons at least, from outrage. I did not long hesitate, but called upon Thomas McKay, long in the employment of the Hudson's Bay Company as explorer and leader of parties, who, from his frank, generous disposition, together with his universal success in Indian warefare, had obtained an extensive influence among the aborigines of the country, and placing the facts before him, he at once consented to accompany me to the scene of discord and contention. We took but six men with us, armed in the best manner, a sufficient number to command respect and secure the object of our undertaking, — McKay assuring me, from his familiar acquaintance with these Indians, and their thorough knowledge of the use of arms, that if hostile intentions were entertained, it would require a larger party than we could raise in this country to subdue them.

Obtaining Cornelius Rogers as interpreter, we set out on the 15th of November on our voyage of misery (as McKay justly denominated it), having a journey, by water and land, of not less than 950 miles, principally over open plains, covered with snow, and several times under the necessity of spending the night without wood or fire, other than what was made by a small growth of wild sage, hardly sufficient to boil the tea kettle. The gentlemen, as we called at Vancouver, did everything in their power to make the journey comfortable, but evidently felt anxious concerning our safety. We reached The Dalles, some 220 miles from the Pacific, on the 24th, having been detained by wind, spent several days with the Methodist Mission families, who welcomed us joyfully, and made our stay agreeable and refreshing. * * * We procured horses and traveled by land to Walla Walla, 140 miles above, reaching the Hudson's Bay Company establishment on the 30th. Mr. McKinley, the gentleman in charge, to whom the missionaries are indebted to many kind offices in this isolated portion of the earth, resolved to make it a common cause, and stand or fall with us. We reached Wailatpu, the station of Dr. Whitman, the day following, were shocked and pained at beholding the sad work of savage destruction upon this hitherto neat and commodious little establishment.[1] The Indians in the vicinity were few and shy. I thought it best to treat them with reserve, but made an appointment to meet the chiefs and tribe on my return. Left the day following for the station of Mr. Spalding among the Nez Perces, some 180 miles away; reached it on the 3d of December, after a rather pleasant journey over a most verdant and delightful grazing district, well watered, but badly timbered. Having sent a private dispatch in advance, they had conveyed the intelligence to the Indians, many of whom were collected. The chiefs met us with civility, gravity, and dignified reserve, but the missionaries with joyful countenances and glad hearts.

Seldom was a visit of an Indian agent more desired, nor could one be more necessary and proper. As they were collecting, through my able interpreter and McKay, I managed to secure confidence and prepare the way to a good understanding; visited and prescribed for their sick, made a short call at each of the chief's lodges, spent a season in school, hearing them read, spell and sing; at the same time examined their printing and writing, and can hardly avoid here saying I was happily surprised and greatly interested at seeing such numbers so far advanced and so eagerly pursuing after knowledge. The next day I visited their little plantations rude, to be sure, but successfully carried on, so far as raising the necessaries of life were concerned; and it was most gratifying to witness their fondness and care for their little herds, pigs, poultry, etc.

The hour arriving for the public interview, I was ushered into the presence of the assembled chiefs, to the number of twenty-two, with some lesser dignitaries, and a large number of the common people. The gravity, fixed attention, and decorum of these sons of the forest was calculated to make for them a most favorable impression. I stated explicity, but briefly as possible, the design of our great chief in sending me to this country, and the present object of my visit; assured them of the kind intentions of our Government, and of the sad consequences that would ensue to any white man, from this time who should invade their rights, by stealing, murder, selling them damaged for good articles, or alcohol, of which they are not fond. Without threatening, I gave them to understand how highly Mr. and Mrs. Spalding were prized by the numerous whites, and with what pleasure the great chief gave them a paper to encourage them to come here to teach them what they were now so diligently employed in obtaining, in order that they and their children might become wise, good and happy.

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[1] Dr. Whitman at this time was on his way to the States across the mountains, and Mrs. Whitman staying at The Dalles.

After me, Mr. McKinley, the gentleman in charge of the Hudson's Bay establishment at Walla Walla, spoke concisely, but very properly; alluded to his residence of some years, and the good understanding that had generally existed between them, and of the happiness he felt that one of his brothers had come to stand and judge impartially between him, them, and whites and Indians in general; declared openly and frankly that Bostons, King George and French were all of one heart in this matter, as they, the Cayuses and Walla Wallas should be, flattered them delicately in view of their (to him) unexpected advancement in the arts and sciences, and resumed his seat, having made a most favorable impression.

Messrs. Rogers and McKay then spoke in about the same strain as Dr. White and Mr. McKinley, which was replied to by Five Crows, who was quite wealthy, who stated that they wished to live in peace and amity. Bloody Chief then arose (not being less than 90 years old) and stated that he was a chief when Lewis and Clarke went through the country on their exploring trip, and that he had always had a good heart. After three hours thus spent the doctor submitted a code of laws that were adopted and then the council broke up with good feeling all around.

After a severe journey of some four days, through the inclemency of the weather, we reached Wailatpu, Dr. Whitmans station," says Dr. White, and it seems that he had some trouble in getting the Indians to meet him in council, but succeeded and ultimately left them a code of laws. The rest of the report is taken up in generalities that are of no special interest except the two following paragraphs:

No intelligence from abroad has reached us this winter. Mount St. Helens, one of those snow-capped volcanic mountains, some 16,000 feet above the level of the sea, and eighty miles northwest of Vancouver, broke out upon the 20th of November last (1842), presenting a scene the most awful and sublime imaginable, scattering smoke and ashes several hundred miles distant.

A petition started from this country to-day, making bitter complaints against the Hudson's Bay Company and Governor McLoughlin. On reference to it (a copy was denied), I shall only say, had any gentleman disconnected with the Hudson's Bay Company been at half the pains and expense to establish a claim on the Wallamet Falls, very few would have raised an opposition. His half-bushel measure I know to be exact, according to the English imperial standard. The gentlemen of this company have been fathers and fosterers of the colony, ever encouraging peace, industry and good order, and have sustained a character for hospitality and integrity too well established to be very well shaken.

I am, sir, your humble and obedient servant,

ELIJAH WHITE,
Sub-Agent Indian Affairs, W. R. M.

T. HARTLEY CRAWFORD,
Commissioner Indian Affairs.

The statement in the above that "the gentlemen of this company have been fathers and fosterers of the colony," is drawing the comparison rather strong. Aside from Dr. McLoughlin, who at this time had severed his connection with that company, the officers did not evince even a step-father's paternal care. "During the early fall a

Clackamas Indian named Cockstock, who seems to have been a renegade in his tribe, having become involved in a difficulty with the whites, rode a few days later into Oregon City, accompanied by five others, armed and painted, and made hostile demonstrations. They finally crossed the river and attempted to incite the Indians of the village to come over and institute a general massacre. Not succeeding in this, Cockstock and his immediate followers recrossed the stream and was met at the landing by a number of whites who intended to capture him alive. Firing soon commenced, and Mr. George W. Le Breton attempted to seize Cockstock but received a heavy discharge in the palm of his right hand, a ball in his elbow and another in his arm two inches above the elbow joint. A scuffle ensued, in which he fell to the ground with the Indian, crying out instantly, 'He is killing me with his knife.' At this moment a mulatto named Winslow Armstrong rushed to the spot and dispatched Cockstock, by smashing his skull with the barrel of his rifle. In the meantime the other Indians, yelling fearfully, were firing among the whites with guns, pistols, and poisoned arrows, and many colonists narrowly escaped. Two men who were quietly at work near by, were wounded with arrows (Mr. Wilson slightly in the hip, and Mr. Rogers in the muscles of the arm), but neither, it was supposed, dangerously. The five Indians retired to the bluff, lodged themselves among the rocks and commenced firing indiscriminately. They were dislodged after one of them had been wounded and ahorse killed. The surgeon being absent from town, Mr. Le Breton was immediately removed to Vancouver, where he received every attention; but as the canoe was ten hours on the passage, the poison diffused itself through his system, and death ensued in less than three days. Mr. Rogers, though but slightly wounded in the arm, lived only one day longer. Mr. Wilson has suffered comparatively little, althoughnot considered in a safe condition."[1]

The death of Mr. Le Breton was a heavy blow to the Provisional Government. He came to the country with Captain J. H. Couch, and was a young man of education and ability.

The emigration this year was large, consisting of from 800 to 1200 souls, including a number of men who were destined to play very important parts in the moulding and maintaining of American supremacy, and the establishing of Provisional, Territorial and State Governments. Among them was Jas. W. Nesmith, Jesse Applegate, Daniel Waldo, H. A. J. Lee, Dr. John E. Long, John Minto, A. L.

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[1] Gray's History, p. 251.

Lovejoy, Peter H. Burnett, John G. Campbell, J. M. Garrison, J. J. Hembre, Thos. D. Kaiser, Wm. J. Martin, M. M. McCarver, J. B. McClane, Fredrick Prigg, P. G. Stewart, John M. Shively, Hiram Straight, and others who probably should be mentioned.

I will now quote from a document that was found among Dr. McLoughlin's papers after his death, and published by the Oregon Pioneer Association in 1880, that was verified long previous to his death, especially the first paragraph:

> In 1843, about 800 immigrants arrived from the States. I saw by the looks of the Indians that they were excited, and I watched them. As the first stragglers were arriving at Vancouver in canoes, I was standing on the bank; nearer the water there was a group of ten or twelve Indians. One of them bawled out to his companions, "It is good for us to kill these Bostons." Struck with the excitement I had seen in the countenances of the Indians since they had heard the report of the immigration coming, I felt certain that they were inclined for mischief, and that he spoke thus loud as a feeler to sound me, and take their measures accordingly. I immediately rushed on them with my cane, calling out at the same time, "Who is the dog that says it is a good thing to kill the Bostons?" The fellow, trembling, excused himself, "I spoke without meaning harm, but The Dalles Indians say so." "Well," said I, "The Dalles Indians are dogs for saying so, and you also," and left him, as, if I had remained longer it would have had a bad effect. I had done enough to convince them I would not allow them to do wrong to the immigrants with impunity. From this Indian saying, in the way he did, that The Dalles Indians said it was good to kill the Bostons, I felt it my duty to do all I could to avert so horrid a deed.
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> Mr. P. L. Edwards, whom I mentioned came in 1834, with Mr. Lee, and left in 1838, sent me a letter by General McCarver, stating he had given a letter of introduction to me to P. H. Burnett, Esq. I immediately formed my plan and kept my knowledge of the horrid design of the Indians secret, as I felt certain that if the Americans knew it, these men acting independent of each other, would be at once for fighting, which would lead to their total destruction, and I sent two (2) boats with provisions to meet them; sent provisions to Mr. Burnett, and a large quantity of provisions for sale to those who would purchase, and to be given to those who had not the means, being confident that the fright I had given (as I already stated) the Indians who said it was a good thing to kill the Bostons was known at The Dalles before our boats were there, and that with the presence of the Hudson Bay Company people, and the assistance they afforded the immigrants, would deter the Indians from doing them any wrong, and I am happy to be able to say that I entirely succeeded. At first I thought these Indians were excited by some of the Iroquois Indians in the Hudson's Bay Company's service, and tried to find if so, but found nothing to enlighten me on the subject.
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> About a month after Dr. Whitman came from his mission at Walla Walla to Vancouver, as The Dalles was on his way, and as he had seen the principal men there, it occurred to me that he might have heard of it, and told him what I heard the Indian say, and how I had alarmed him, what I had done to deter them, and my suspicion that all this sprung from some of our rascally Iroquois, and that I was anxious to find that rascal out to punish him as an example to deter others. "Oh," says the doctor, "I know all about it." "You do, doctor," said I. "Yes," said the doctor,

"I have known it for two years." "You have known it for two years and you told me nothing! Pray tell me his name." The doctor, seeing I was on the wrong scent, said: "His name is Thomas Hill." After thinking for some time, I replied that the Hudson's Bay Company had no man of that name in their service. 'Oh,' says the doctor, "Tom Hill, the Shawnee." This Indian, it is said, had been educated at Dartmouth college in the States, had told the Indians that a few Americans had come to settle on their lands; that the Shawnees allowed them, but when the Americans were strong enough they drove the Shawnees off and now the Shawnees have no lands, and urged the Indians to allow no Americans to settle on their lands, which advice the Indians about Walla Walla say the Cayuses are following to this day, and the Indians were inclined to follow by killing the immigrants who first came, and which, I believe, they would have done but for the decided and cautious manner that I acted. And the reason the Indian made use of the expression he did, was because I punished the murderers of the Smith party, and before acting they wanted to know how I would treat them, and most certainly if I had not been most anxious for the safety of the immigrants and to discharge to them the duties of a Christian, my ear would not have caught so quickly the words, 'it is a good thing to kill these Bostons,' and acted as I did. In fact, if the immigrants had all been brothers and sisters, I could not have done more for them. I fed the hungry, caused the sick to be tended to and nursed, furnished them assistance as long as they required it, and which some have not paid to this day, though abundantly able, and for which, if they do not pay, I am answerable to the Hudson's Bay Company. It may be said, and has been said, that I was too liberal in making these advances. It was not so but was done judiciously and prudently.

The following article from the *Edinburg Review*, 1843, is often quoted from, but as it has not been published in full for several years, and will undoubtedly prove of interest and at the same time show the object of Great Britain, and the ignorance displayed in regard to American snap and energy in crossing the plains with wagons, a feat which was actually being performed at the moment the article was being written:

OREGON.—This is the last corner on earth left free for the occupation of a civilized race. When Oregon shall be colonized, the map of the world may be considered as filled up. The romantic days in which every new adventurer saw in the first green shores which greeted him the nursery of some new empire to be called by his name, are gone forever. The world has grown old in the last two hundred years more rapidly than in the precedeing two thousand. Our further conquests must be over the other elements. Earth has little more surface left to dispose of. Of Australia we know nearly all that will ever be worth knowing, and, although there is room there for a great multiplication of inhabitants, there are no new spots of value for the foundation of fresh colonies. Of the beautiful islands of the Pacific, the loveliest and the largest are already appropriated. Asia belongs to another race. The vast and teeming solitudes of South America afford room for empire; but their air breathes death to the northern colonist. The only region of any extent, of temperate climate and agricultural capability, which still invites swarms from old hives of mankind, is that which stretches along the west coast of America, between the extreme settlements of the Mexicans and those of the Russians. Formerly, this coast was nearly inaccessible; lying to the windward of the steady easterly currents of air, it was difficult and uncertain approach; and the seas which washed it were unknown to commerce. Now, steam will render it approachable at every season, and from every quarter. The mouth of the Columbia lies but eight or ten days sail from the Sandwich Islands, now as well known as the Azores, and as much visited by European and American vessels. This country once settled, will command the Pacific. It will communicate directly with New Zealand, Australia, and China; and should the transit across the Isthmus of Darien be effected, it will be within forty or fifty days' voyage from the shores of Britain.

Generally speaking, Oregon consists of mountains. The Columbia river its chief geographical feature, in falling from the Rocky mountains to the sea, cuts transversely three or four distinct mountain ridges, running north and south; one of them, which the Americans call the President's range, of very great height, attaining the elevation of 15,000 or 16,000 feet in single peaks, some of which frown almost immediately over its waters.

North of the Columbia, the country is in general a labyrinth of mountain ranges, but interspersed with heavy timber; the climate mild for the latitude, but moist and tempestuous.

South of the Columbia, the character of the country completely changes, and, as we have said, very suddenly. The forests gives place to an open undulating country, still clad with magnificent trees on the mountain ridges. In the interior the plains are perfectly arid, the soil volcanic, and buffalo's dung supplies the place of fuel. But the tract intervening between the *westermost* of the parallel ranges of mountains and the Pacific ocean, enjoys more moisture than the rest, and produces trees of a size hardly equalled within the tropics.

Such is Oregon — a land of magnificent scenery, and a healthful climate; of limited agricultural capabilities with a large proportion of unproductive soil, but fertile ground enough to form the home of a new nation; poor in harbors, and deficient in navigable rivers, but yet by no means inaccessible, and possessing an admirable geographical situation for commercial purposes. The tribes of Indians which wander over its surface are few in number, chiefly subsisting by salmon fishing and on roots, and very inferior physical power and ferocious energy to their brethren of the prairies. But, for this very reason, they offer the less obstruction to the operations of the colonists; and, it must be added, that their simple inoffensive habits of life are found to be accompanied in many cases with a moral elevation which ranks them in the scale of humanity far above most savages, and forms but too striking a contrast to the morals and habits of the wandering whites and half-breeds who visit them from the east. No race of men appears to live in so much consciousness of the immediate presence of the invisible world. "Simply to call these people religious," says Irving, in the character of Captain Bonneville, speaking of some tribes west of the Rocky mountains, "would convey but a faint idea of the deep hue of piety and devotion which pervades the whole of their conduct. They are more like a nation of saints than a herd of savages." Among such people as these, the exertions of a few missionaries have met with rather more than usual success, but extermination treads rapidly on their heels.

At present the only fixed inhabitants of this vast wilderness may be said to be the people of the Hudson's Bay Company at Fort Vancouver, and a few hundred English and Americans; chiefly men tired of the wandering life of the deserts, who have established themselves as agricultural settlers in the valley of the Wallamette, near the mouth of the Columbia. They have at present no Government, being recognized subjects of neither Great Britain nor the United States, but are demanding loudly to be included within the boundaries of the great republic. They are at this moment partially under the control of a power not very responsible to either state, but of which all the instincts and habits are thoroughly British and anti-American—the Hudson's Bay Company.

Few among us are aware of the extraordinary resources and wide-spreading plans of this remarkable society, which has exercised in its barren domains a steady, enterprising policy not inferior to that of the East India Company itself; and now occupies and controls more than one-ninth of the soil of the globe. The great business of this company is the fur trade, of which it is now nearly the sole monopolist throughout nearly all the choicest fur bearing regions of North America, with the exception of the portion occupied by the Russians. The bulk of its empire is secured to it by charter; but it is in possession of Oregon as debatable land, under stipulation between Britain and the United States. The stockholders are British, the management of its affairs in America is carried on by "partners," so-called, but in point of fact, agents paid by a proportion of the net income of the company. These are scattered in various posts over the whole territory between Hudson's Bay and the Pacific. The Governor-General resides in York Factory on the former. They are chiefly Scotchmen, and a greater proportion of shrewdness, daring and commercial activity, is probably not to be found in the same number of heads in the world. Before 1820, this body carried on a fierce contest with the Northwest Company, attended with hideous battles of Indians and half breeds, in the burning and sacking of each other's posts. In 1821, the two companies were consolidated, since which time they have had no British rival, and have exerted all their policy to repress interference on the part of the Americans. In this they seem to have thoroughly succeeded. The attempts of the Americans to establish a fur trade of their own, one by one have ended in disappointment. Their own trappers and hunters prefer the markets of the company. Its agents seek out the Americans—so at least they complain—outbid them and undersell them in every point to which they can penetrate. The Pacific Fur Company, the scheme of John Jacob Astor, commemorated by Washington Irving, those of Captain Wyeth, and many other American adventurers, have failed against the strength and perseverence of the old monopoly. Its traders supply the demand, such as it is, both of Indians and white hunters for European goods, over all the Northwest.

We have purposely abstained from all discussion of the question now pending between Great Britain and America as to the sovereignty of Oregon. We have been anxious on the present occasion, only to point out the existence and the capabilities of this region—the remotest nook of the world, and the last vacant space, as we have said, for the plantation of a new people. The land which is to command the North Pacific, and give the law to its myriad islands, cannot long remain unoccupied. It calls loudly on those who have foresight, on those who can estimate the future, to forecast its destiny. The Americans never show themselves deficient in this branch of political wisdom. They are familiar with what we can scarcely realize—the rapid march of time in the western world. Almost before we have satisfied ourselves with the mere contemplation of a newly discovered portion of the wilderness—before its lines were mapped out, and the names of its natural features becomes familiar to our ears—the wilderness is gone, the mountains stripped of their forests, the rivers alive with navigation. The far west will change rapidly as the east has done. In the words of Washington Irving, "The fur bearing animals extinct, a complete change will come over the scene; the gay fur trapper and his steed, decked out in wild array, and tinkling with bells and trinkery; the savage warchief, plumed, and ever on the prowl; and traders' cavalcade, winding through defiles and over naked plains, with the stealthy war party lurking on its trail; the buffalo chase, the hunting camp, the mad carouse in the midst of danger, the night attack, the scamper, the fierce skirmish among rocks and cliffs—all this romance of savage life, which yet exists among the mountains, will then exist but in frontier story, and seem like the fictions of chivalry or fairy tale."

Surely it well behooves us, who have an interest in every new corner of the earth, to note the signs of these changes, AND TURN THEM TO OUR PROFIT WHEN WE MAY. And one thing strikes us forcibly, however the political question between England and America, as to the ownership of Oregon, may be decided, *Oregon will never be colonized overland from the Eastern States.* It is with a view of pointing out the entire distinctness of the two regions, that we have gone, perhaps at tedious length, into a description of the geographical peculiarities of the vast space which separates them. It is six or seven hundred miles from the westernmost limit of that fertile part of the prairies to the cultivable region of the Columbia. Six months of the year the whole of this space is a howling wilderness of snow and tempests. During the other six it exhibits every variety of hopeless sterility, plains of arid sand, defiles of volcanic rocks, hills covered with bitter shrubs and snowy mountains of many days' journey; and its level part is traversed by the formidable predatory cavalry we have described, an enemy of more than Scythian savageness and endurance, who cannot be tracked, overtaken or conciliated. We know and admire the extraordinary energy which accompanies the rambling habits of the citizens of the States; we know the feverish, irresistible tendency to press onward, which induces the settler to push to the uttermost limits of practicable enterprise, regardless of the teeming and inviting regions he may leave behind. Still, with these natural obstacles between, *we cannot but imagine that the world must assume a new face before the American wagons make plain the road to the Columbia, as they have to the Ohio.* In the meantime, the long line of coast invites emigration from the over-peopled shores of the old world. When once the isthmus of Darien is rendered traversible, the voyage will be easier and shorter than that to Australia, which 30,000 of our countrymen have made in a single year. Whoever, therefore, is to be the future owner of Oregon, its people will come from Europe. The Americans have taken up the question in earnest; their press teems with writings on the subject; we need only mention the able memoir of Mr. Greenhow, translator to the Department of State, in which their claim is historically deducted with much ingenuity.

French writers, as may be supposed, are already advertising the American view. Let us abandon ours from motives of justice, if the right be proved against us; from motives of policy, if it be proved not worth contesting; but not in mere indolence. Let us not fold our hands under the idle persuasion that we have colonies enough; that it is mere labor in vain to scatter the seed of future nations over the earth; that it is but trouble and expense to govern them. If there is but one thing on which the maintenance of that *perilous greatness* to which we have attained depends, more than all the rest, it is colonization; the opening of new markets, the creation of new customers. It is quite true that the great fields of emigration in Canada and Australia promise room enough for more than we can send. But the worst and commonest error respecting colonization, is to regard it merely as that which it can never be—a mode of checking the increase of our people. What we want is, not to draw off driblets from our teeming multitudes, but to found new nations of commercial allies. And, in this view, every new colony founded, far from diverting strength from the older ones, infuses into them additional vigor. To them as well as to the mother country it opens a new market. It forms a new link in the chain along which commercial inter-communication is carried—touching and benefiting every point in the line as it passes. Thus, in former days, the prosperity of the West India Islands was the great stimulus to the peopling of North America. The newer colony of Canada has flourished through its connections with our settlements in the States; the market of New Zealand will excite production in Australia. *The uttermost portions of the earth are our inheritance.* Let us not throw it away in mere supineness, or in deference to the wise conclusions of those sages of the discouraging school, who, had they been listened to, would have checked, one by one, all the enterprises which have changed the face of the world in the last thirty years.

The following was published in the *Springfield, Ill., Journal,* and as it speaks of a man who was well known in Oregon at the time, and who returned and lived here for several years, it may be interesting to his old acquaintances as well as giving some historical facts:

"We have had the pleasure of conversing with Mr. Wm. Sutton, a resident of Oregon territory, and who left the settlement at Wallamet Falls about the middle of May. He was three months in reaching the settlements on the Missouri; and was the bearer of a petition to the American Government (and other papers) from the residents of Oregon, asking the Government to extend the laws and jurisdiction of the republic over that interesting territory. Mr. Sutton met the caravan of emigrants on the route, as also two smaller parties bound for Oregon. He spoke of the settlement as prosperous and healthy. No money in circulation, but trade is by barter—no law for collection of debts, but debts are always paid. A town is growing up at the Wallamet Falls. Dr. McLoughlin, the British commander of Fort Vancouver claims the site by right of discovery, or as having established a post there some years since. The Wallamet furnishes an immense water power suitable for machinery. Two grist and saw mills are by this time built at that place—one owned by Dr. McLoughlin. Wheat, which is the principal crop raised for sale, is worth 80 cents per bushel at Fort Vancouver. This price is not paid in money, but in goods at a low rate. Money will not purchase goods as low by 20 per cent. as wheat or beaver skins. Mr. Sutton is so well pleased with the country that he designs to return and spend his days there. If emigrants should continue to pass into Oregon for a few years, as rapidly as they have the present year, the people will soon be able to protect themselves from the repacity of the Hudson's Bay Company. The settlement now has a good military company well commanded."

Congressional.

Dec. 20. Rep. Wentworth, of Illinois, committee on Territories asked leave to offer a resolution calling on the President to communicate to this House, if not incompatible with the public interests, all correspondence between the Government of the United States and foreign powers in relation to the discovery, possession, title, and boundary of the Oregon territory. Objection being made, the resolution was not received.

Senator Atchison, of Missouri, introduced a bill for establishing a government over the Oregon territory, was read and referred to the select committee on that subject. Mr. Allen, of Ohio, proposed a resolution calling upon the Executive for copies of the instructions given, and correspondence of our minister with the British minister in relation to Oregon. Which lays over for consideration.

Dec. 21. Senator Atchison, on leave, introduced a bill to facilitate and encourage the settlement of the territory of Oregon. The following is an abstract of its provisions: It provides for a line of stockades and blockhouses not exceeding five, from a point on the Missouri river into the best pass for entering the valley of the Oregon. The President to cause one to be erected at or near the mouth of the Columbia river. A grant of 640 acres to each white male inhabitant over 18 years who shall cultivate the same for five years, and to his heirs in case of decease. To every married man there shall be granted in addition 160 acres to the wife, and 160 acres for each child under 18 years of age he may have, or which shall be born within the territory. No sale or contract of land to be valid before the patent is issued, nor shall it be liable for any judgment, mortgage or lien before the patent is issued. The territory shall comprise all the country west of the Rocky mountains, and between the parallels of 40° and 54° 40′, north latitude. To carry into effect the provisions of this bill $100,000 to be appropriated. The bill was referred to a select committee of five as follows: Messrs. Atchison, Walker, Sevier, Merick, and Phelps.

Dec. 28. Senator Atchison introduced a bill to establish a government for the territory of Oregon. Mr. Allen presented several memorials for the occupation of Oregon territory.

Senator Lewis Field Linn, Oregon's best friend died Oct. 31, 1843, at his home in Missouri, very suddenly of heart disease. He was born near Louisville, Kentucky, 1796, was the grandson of Col. Wm. Linn of the revolution army, who was afterwards killed by the Indians. The father of Senator Linn died, leaving this son but eleven years of age. He studied medicine and afterwards moved to Missouri, and was elected to the State Senate, then was appointed Judge to examine land titles, afterwards appointed U. S. Senator, and three times elected to that office, the last time only a few months before his death. He served from 1833 to 1843.

Senators Benton and Buchanan delivered eulogies on Senator Linn, and Mr. Buchanan said: "In him were combined the most opposite and most admirable qualities of nature, in more striking contrast than I have ever witnessed in any other man. Gentle as the lamb, and mild as the zephyr, he was as brave as a lion. 'He had a heart for pity, and a hand open as day for melting charity.' Human suffering always drew from him the tear of sympathy, and his active benevolence never rested until he had attempted to relieve the sufferer. He was one of the ablest men who held a seat in the Senate in my day, yet he was so modest and unpretending that he never seemed sensible of his own ability, and would blush at the faintest praise. If the first settlers who shall boldly establish themselves in Oregon under the ample folds of the American flag—not those who may 'enter the territory prudently and silently'—do not call their first city after his name, they will deserve the brand of ingratitude."

The January number, 1843, of *Fisher's Colonial Magazine*, contained a long article on the fur trade and the British claim on Oregon, from which I take the following:

> The importance of the trade between this coast and China was first ascertained in Cook's third voyage of discovery in the Pacific. The scarcity of fuel in the densely populated provinces of China, the unskillfulness of the people in manufacturing woolens, and the severity of the winter, caused a greater demand and higher prices for furs in the Chinese market than in any other part of the world, insomuch that the return given by the Russians for Chinese commodities is almost entirely in furs, and those for the most part of an inferior quality.
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> The capture of the sea-otter, in consequence of the very great value of its fur, early attracted the attention of the Russians, as Cook, when in 1778, he visited the coast of Kamschatka and the neighboring islands, found many Russian posts established through them, for securing this valuable article of commerce. These traders, however, had not the enterprise to push their traffic at that time to the opposite coast of America, as, when Cook first visited Nootka Sound, an inlet in Vancouver's Island, in latitude 49° 36′, north, the natives readily bartered the finest sea-otter's furs for beads, buttons, and similar toys.
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> The sea-otter is the largest of the otter tribe, being about three feet long, or, including the tail, a little more than four feet, and weighs from seventy to eighty pounds. The fur, which is the richest, softest and warmest known, is, in the finest specimens, of a deep glossy brownish-black. It is an animal singularly limited in its locality, being confined to the tract between 44° and 60°, north latitude, and 150° and 250° east longitude.
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> Other furs of inferior value are found in the northwest coast, the most abundant being those of beaver, bears, wolves and foxes, which last are most abundant, being yellow, reddish-grey and black. The furs obtained by the Russians are sent into China overland. When the British vessel of discovery, which had been commanded by Cook, proceeded to Macao, the furs which they procured at Nootka Sound met with a ready sale at extraordinary high prices. Sea-otter skins of which six had been purchased for a dozen glass beads, sold for $120 apiece, and altogether the quantity procured realized about £6,000. * * * The fur trade on this coast had now became a frequent and favorite object of mercantile enterprise, and Mears, on making the American shore, found the *Princess Royal*, of London, already engaged in traffic there. Entering Nootka Sound, he built a house, and established a small factory, and soon after, in the name of the King of Great Britain, took possession of the Straits of Juan de Fuca, or the sound which separates Vancouver Island from the mainland. He also built a schooner, and after a prosperous course of traffic, the *Felice* returned to China, where the cargo was disposed of at a large profit. Some sea-otter skins sold for $250 each and the tails for $15 each, the whole cargo being purchased by one merchant for $38,000.
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> The course of the consort vessel *Iphigenia*, was not so smooth. On its arrival at Nootka Sound, where there were two American vessels engaged in the same traffic, the *Iphigenia* was seized by a Spanish force, consisting of two small ships of war, the commander of whom, Martinez, took possession of the small factory founded by Mears, hoisted the Spanish standard on it, and proclaimed that all the territory extending from Cape Horn to 60° north latitude, belonging to the crown of Spain. He then proceeded to erect batteries, store houses, and other buildings requisite for fortifying that port. At the same time, three other British

vessels, the *Argonaut*, the *North West America*, and the *Princess Royal*, were seized. The total loss incurred on this occasion by the British is estimated by Mears at $500,000.

In consequence of formidable preparations for hostilities by Great Britain, the Spanish Government executed a treaty on Oct. 28, 1790, by which the invaded possessions were restored to the British. It is not easy to imagine a more unquestionable territorial right than is made out, first in consequence of priority of occupation by Sir Francis Drake, who left Plymouth, and reached this coast in December, 1577. This expedition intended to plunder the Spaniards, to explore unknown regions in the eastern and western hemisphere, and to circumnavigate the globe, consisted of the *Pelican* of 100 tons, the *Elizabeth* of 80, the *Swan* of 50, the *Marygold* of 30, and the *Christopher* of 15, carrying 167 men. With these Drake doubled Cape Horn and proceeded north, plundering and insulting the Spaniards, until he reached latitude 48° north, where he landed, styling the country New Albion, and taking possession in the name of Queen Elizabeth. This was followed by Mears and other British subjects and the cession by Spain, the only civilized power competent to dispute the claims of the British.

In 1791, Captain Vancouver was dispatched in command of the sloop of war *Discovery*, and the armed tender *Chatham*, to accept from the Spaniards the restoration of the settlements. At the entrance of the inlet named the straits of Juan de Fuca, he fell in with an American ship commanded by Robert Gray, who had penetrated fifty miles, but Vancouver finished the survey, and found it to be a strait, separating the island which bears his name from the main land; he took possession on a spot, which he named Port Discovery, situated in latitude 56° 20′ 3″ north, and longitude 226° 35′ east.

On the King's birthday, he took possession which we give in his own words: "I went ashore at 1 o'clock, pursuing the usual formalities which are generally observed on such occasions, and under the discharge of a royal salute from the vessels, took possession accordingly of the coast from that point of New Albion *in the latitude of 39° 20′ north, and longitude 236° 26′ east to the entrance of this inlet of the sea, said to be the supposed straits of Juan de Fuca; as likewise all the coasts, islands, &c., within the said straits, as well on the northern, as on the southern shores, together with those situated in the interior sea which we had discovered,* which interior sea, I honored with the name of the Gulf of Georgia, and the continent bounding the said gulf, and extending southerly to 45° of north latitude with that of New Georgia, in honor of his present Majesty."

It should also be observed, that Mears previously on May 18, 1788, had purchased for a few sheets of copper, the ground on which he built the factory at Nootka Sound. On Oct. 19, 1792, the *Chatham* entered the Columbia river, now claimed by the United States, under the name of Oregon. So much for British rights, now for the encroachments of the United States. Washington Irving maintains (Astoria, vol. 1, p. 37), that the discovery of the Columbia river, was made previously to Vancouver, by Captain Gray, of Boston; but even if the truth of this was admitted, it could no more set aside the rights of the British founded on the discoveries and prior occupation of the whole coast of New Albion by Drake, Cook and Vancouver, than the discovery of the mouth of a river among our Australian possessions, could establish a territorial right there for a rival State.

The country, both in commercial and territorial point of view, is so valuable, that it is to be hoped that our Government will not be guilty of the very culpable infatuation of allowing the execution of the threats of the Americans, that they will expel us from so noble an acquisition, of which having actually the possession, and unquestionably the right, we are consequently masters *de facto*, as well as *de jure*. By making this coast the outlet of the furs obtained throughout this vast region, and with traffic with the natives would amount annually to above half a million sterling. * * * Any demonstration in the maintenance of our rights would be well supported by members of the present population, originating in the race which constituted the servants of the Hudson's Bay and Northwest Companies. That such a contingency may soon arise there is much reason to apprehend, as disclosed by the following from an American newspaper: "We have the northeastern boundary settled, and so will we soon have the northwestern, for our countrymen are fast establishing themselves in that country, which will soon constitute the surest rights of possession, and the best title." This alludes to a settlement made about 100 miles from the Pacific, on the banks of the Willamette, a main tributary of the Columbia. * * * By a strange and unpardonable oversight of the local officers of the company, missionaries from the United States were allowed to take religious charge of the population, and these artful men lost no time in introducing such a number of their countrymen as reduced the influence of the small number of original British settlers to complete insignificance. These missionaries have also solicited and obtained from the Government of the United States a recognition of the political existence of the settlement. The executive of the United States, not content with this, has sent by Cape Horn a Governor to take charge of the infant colony, and, unless a speedy remedy be applied, our fellow subjects in that quarter will soon be excluded from the Columbia river, its tributaries, and adjacent countries, hitherto reckoned among our possessions.

Provisional Government Officers, 1843.

Executive Committee, David Hill, Alanson Beers, Joseph Gale; *Supreme Judge*, A. E. Wilson; *Clerk or Recorder*, Geo. W. Le Breton; *Sheriff*, Joseph L. Meek; *Treasurer*, W. H. Willson.

Legislative Committee,[1] Robert Shortess, David Hill, Dr. Robert Newell, Alanson Beers, Thomas Hubbard, W. H. Gray, James O'Neil, Robert Moore and William Dougherty.

Certificate.

This certifies, that David Hill, Alanson Beers and Joseph Gale were chosen executive committee of the territory of Oregon, by the people of said territory, and have taken the oath for the faithful performance of the duties of their office as required by law.

GEO. W. LE BRETON,
Recorder.

WALLAMET, OREGON TERRITORY, July 5, 1843.

NOTE.—December 31, 1841, the number of Americans was about	400	
British subjects of all classes was about		1,200
The immigration of 1842 numbered	137	
The immigration of 1843 numbered	875	
	—	1,412
Total		2,612

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[1] At the meeting of July 5th, the above legislative committee submitted their report, which was adopted and they were discharged, and then the executive committee was elected and took the oath of office.

1844.

Calling of public meeting by Executive Committeeman Beers; Proceedings of the meeting; Organization of military company; Letter from Captain Keizer; Officers of Provisional Government; Meeting of Legislative Committee; Message of Executive Committee; Law in regard to free Negroes and Mulattoes; Second Meeting of Legislative Committee; Executive Committee's message; Congressional; Senator Allen's resolution; Senators Morehead and Allen; Mr. Semple's resolution; Mr. Allen's resolution defeated; Rep. R. D. Owen's resolution of notification; President Tyler's special message; Debate on report of committee; Indiana Legislature's resolution; Secretary of War's report; Senator Dayton's speech; Louisville Journal; Christian Advocate; Captain Spaulding's report; Mr. Buchanan; John Dunn, Dr. Whitman's letter to Secretary of War; His proposed bill; Secretary of War's certificate; Mr. Benton's prediction; Election Returns of 1844.

THE settlements in Oregon remained in quiet and peace during the remainder of 1843, and up to March 4, 1844, when the Cockstock affair took place as before mentioned. Word was sent to the Executive Committee, and Mr. Beers, one of the members, immediately issued a proclamation calling a general meeting of the citizens at the residence of Mr. Larshapell's, at French Prairie, on the 9th of March, to organize a military company. I insert the proceedings:

March 9, 1844.

The citizens of Champoeg district met at the house of Mr. Larshapell, in accordance with the proclamation of the Executive Committee. The meeting was called to order by one of the Executive Committee, and the proclamation was read.

Upon the suggestion of the executive, it was moved that W. H. Willson be chairman of this meeting, and Mr. T. E. Keizer secretary.

The object of the meeting was briefly explained by Mr. A. Beers and the chairman. Information was called for concerning the depredations committed at the Willamette Falls on the 4th instant.

Mr. Beers presented an official letter from Dr. Hill, one of the Executive Committee, which was read. Statements were made by Mr. Garrison respecting accounts received from other sources; and a letter was presented by the United States sub-Indian agent, from A. L. Lovejoy, Esq., respecting the affair of the 4th, which was read. Statements were made by the Executive Committee, concerning the steps they had taken and the orders they had issued.

On motion, the United States sub-agent was requested to give his views and advice on the subject. He accordingly related his proceedings in the matter; said "he was unprepared to give advice, or suggest what was best to be done in the present case; he was fully aware of the defenseless state of the colony, and of the dangers to which we were exposed; he knew the character of the Indian that was killed to be of the vilest kind; he had threatened and attempted the lives of citizens before, and he had made an unsuccessful attempt to take him and have him punished by the Cayuse, to avoid the danger and the difficulty that might result from the whites punishing him themselves. The Indian had attempted to enlist the Indians at the Falls to burn the town, and, failing, he returned across the river, and the citizens attempted peaceably to take him. In the affray, three whites were wounded and one Indian killed." The agent thought a more efficient organization of the territory necessary.

Some remarks were made by W. H. Gray, and a resolution offered as follows:

Resolved, That in view of the facts presented, we deem it expedient to organize a volunteer company of mounted riflemen to co-operate with other companies, to bring to justice all the Indians engaged in the affair of the 4th of March, and to protect our lives and property in future against any depredations that may be attempted, which was carried unanimously.

Whereupon, W. H. Gray presented some articles of compact, as the basis of an organization of a volunteer company, which, on motion, and warm expressions of approbation from the United States sub-agent, were adopted and immediately subscribed to by nineteen volunteers.

The articles allowing the company to select a captain, lieutenant and ensign as soon as twelve men should be enlisted, the company proceeded to elect, by nomination, their officers, to-wit: For captain, T. D. Keizer; first lieutenant, J. L. Morrison; ensign, K. James Casen. The captain gave notice to the company of his acceptance of his appointment, and that the company would meet at the Oregon Institute, armed and equipped according to the articles of compact, on the 11th of the present month for company drill.

On motion, the following resolution was unanimously adopted:

Resolved, That this meeting recommend to our fellow citizens of this territory, to organize volunteer companies in their respective districts forthwith, and to rendezvous at the Oregon Institute on Saturday, 23d inst., at 12 o'clock M.

Moved that the proceedings of this meeting be signed by the chairman and secretary, and as much of them as is deemed proper be transmitted to other districts. Carried.

On motion, adjourned.

W. H. WILLSON,
Chairman.

T. D. KEIZER,
Secretary.

For some reason, the Canadian portion of the community did not organize a company, and there is no record of any other organization of a similar nature in the territory at that time.

The following is a copy of the compact, or articles of enlistment, and the names of the members of the company as they appear on the rolls at the meeting of the same at the Oregon Institute.

The letter of Captain Keizer, which is published, indicates that all was not harmonious at the time. On Keizer's resignation, Charles Bennett was chosen captain, and as he had served for several years in the United States army, he soon had a good company.

Articles of Enlistment for the Oregon Rangers.

PREAMBLE. Self defense, the protection of property and life being one of the first laws of nature and enforced by all laws, both human and divine, the undersigned deem it important and indispensably necessary to enter into a compact for our mutual protection against all dangers to which we are and may be exposed while residents of Oregon; to be governed by the following articles of compact and agreement, to-wit:

ARTICLE I. This body shall be called the "Oregon Rangers," and shall have power to enlist as many men to act in defense of the lives and property of the citizens as shall, from time to time, be deemed requisite; and also to call the same into active service in time of danger, invasion or Indian depredation, by order of any commissioned officer of this body or of any one or more of the Executive or Legislative Committees of the territory, in all cases of danger to the lives or property of any of the citizens, by public proclamation or otherwise.

ART. II. As soon as twelve men shall be enlisted they shall be entitled to elect a captain, lieutenant and ensign, with such other officers as the company may deem requisite.

ART. III. The company, when organized, shall meet at the place designated by the captain, or in his absence in command, as often as shall be deemed necessary by the executive or legislative officers of the Government, and also meet at the command of the commissioned officers, if deemed proper, once a month for inspection and military exercise.

ART. IV. Each man shall be equipped with a good rifle and accoutrements, and mounted upon a good horse with the necessary appendages for traveling upon a light horse, and shall be entitled fo receive for each day's meeting for company drill, one dollar, and for each day in actual service in case of invasion or pursuit of Indians, two dollars per day, and shall forfeit twice the amount per day to the company for non-attendance. All such forfeitures may be collected by civil suit, attachment and sale of property as by law provided.

ART. V. The officers of this company shall receive a charter from the Colonial Government, which shall allow them to increase the number of companies to any number that may be deemed necessary for the protection of the lives and property of all the citizens of Oregon.

NAMES.

Thos. D. Keizer,
Isaac Hutchens,
John Anderson,
Nathan Sitten,
Joseph Holman,
John Elmons,
John B. Keizer,
James Martin,
K. James Carson,
J. L. Morrison,
Webley Hauxhurst
Peter Brainard,
J. M. Garrison,
Jas. R. Patterson,
Chas. E. Pickett,
William Martin,
Lindsey Applegate,
Chas. P. Malt,
Rich. H. Ekin,
Joel Turnham,
Wm. Delaney,
John Ford,
Nimrod Ford,
David Waldo,
Wm. Henry Gray.

Total, twenty-five.

I hereby certify that the persons named and enlisted agreeably to the articles herewith submited, are armed and equipped and ready for action.

Given under my hand, this 16th day of March, A. D. 1844.

THOMAS D. KEIZER,
Captain Oregon Rangers.

OREGON TERRITORY, CHAMPOOIC DISTRICT, April 29, 1844.

To His Excellency—A. Beers:

DEAR SIR: In accordance to your proclamation, March 5th, the undersigned have succeeded in enlisting twenty-six mounted men; and this our third company drill, and in behalf of the company, we take the liberty of asking the following questions:

Was there any cause for raising these troops, and is there any need of these troops knowing their chartered limits and their discretionary powers? Recollect we are to be called out at the instance of any one of the commissioned officers, or at the instance of either of the Executive or Legislative Committees. Where is our chartered liberties of drawing on your military stores and deposits for munitions and provisions? Or where is our liberty of making out pay rolls and drawing on the treasury? If we had the chartered liberties that brave men expect, signed by the proper officers, with the seal of the territory, while we keep in the bounds of that charter, we have to assume no responsibilities, and if we have to assume responsibilities on our own expenses, we have too much soldier's pride to be made mere mock soldiers. Giving the words of the great Col. Crockett. "Those that fight on their own expenses and their own responsibilities have enough to do to fight their own battles, commissions not excepted."

Signed:

THOMAS D. KEIZER,
J. L. MORRISON,
PETER BRAINARD.

Officers of Provisional Government.[1]

[Elected May 14, 1844.]

Executive Committee, Peter G. Stewart, Osborn Russell, W. J. Bailey; *Territorial Recorder*, Dr. John E. Long; *Territorial Treasurer*, Philip Foster; *Territorial Sheriff*, Joseph L. Meek; *Supreme Judge*, Dr. Ira L. Babcock.

Legislative Committee.

Tualatin District, Peter H. Burnett, David Hill, M. M. McCarver, M. Gilmore; *Klackamas*, A. Lawrence Lovejoy; *Champæg*, Daniel Waldo, T. D. Keizer, Dr. Robt. Newell.

The Legislative Committee met at Oregon City, June 18, 1844, and organized by electing M. M. McCarver, speaker; Dr. John E. Long, territorial recorder, by virtue of his office was clerk.

After organizing, a committee consisting of Messrs. Burnett and Lovejoy were appointed to wait upon the Executive Committee, and informed them that the house was now ready to receive any communition they might have to make. The Executive Committee, immediately sent the following

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[1] Election returns at end of chapter.

MESSAGE.

To the honorable Legislative Assembly of Oregon Territory:

GENTLEMEN.—As a rising colony, under no immediate external control or civil protection, we have abundant reasons for rendering our thanks to the Great Ruler of the universe for His parental care and protection over us, from the first entrance into this country unto the present day. And it becomes us humbly to acknowledge our dependence on him as our protector and preserver, and implore a continuation of his care and watchfulness over us, and wisdom to direct us in the discharge of the duties devolving upon us.

This country has been populated by powerful tribes, but it has pleased the great disposer of human events to reduce them to a mere shadow of their former greatness, thus removing the chief obstruction to the entrance of civilization, and opening a way for the introduction of Christianity where ignorance and idolatry have reigned uncontrolled for many ages. There have perhaps been few colonies planted in North America under the sam ecircumstances in which the present settlers of this territory are placed. We are situated in a portion of the country remote from civilized nations, among the few remaining savages who are the original proprietors of the soil. The country is claimed by two powerful, civilized and enlightened nations, proud of their national liberties, and jealous of their respective rights and privileges. It is obvious that these claims must be adjusted, and the soil purchased from the original proprietors, previous to any right being conferred upon the citizens of those governments, relative to the cultivation of lands in this territory. The Government of Great Britain has never publicly extended her claim so far south as to include the lands now under cultivation in this colony. But a treaty now exists between that Government and the United States, giving to each party the right of mutual occupancy of this territory in relation to the Indian trade.

The United States have held out inducements to their citizens, and indirectly encouraged the settlement of this country by them. Consequently we are now improving the country by the consent, but without their protection; and it is self-evident that every community has a right to make laws for their mutual benefit and protection, where no law exists. It was under these impressions that the settlers in this territory established a form of Government last year, and adopted such rules and regulations as were at that time deemed necessary for the protection and prosperity of the colony. These regulations were so constructed as to be altered or amended by a legislative assembly, whose members were to be chosen by the people annually, until such time as the Government of the United States shall extend their jurisdiction over the territory. At the time of our organization it was expected that the United States would have taken possession of the country before this time, but a year has rolled around, and there appears little or no prospect of aid from that quarter, consequently we are yet left on our own resources for protection. In view of the present state of affairs, gentlemen of the assembly, we would recommend to your consideration the adoption of some measures for a more thorough organization.

Also to take into consideration the propriety of laying a light tax for the support of Government. We would also recommend to your consideration the propriety of vesting the executive power in one person; and the impropriety of vesting the power of supreme, probate and district judges in one person; and the necessity of having an individual judge for each court. We would recommend that such of the laws of Iowa as have or may be adopted, be so amended as to suit the circumstances of the country. That the militia law be so amended that military officers hold their commission during good behavior, and that each company shall have the privilege of electing their own officers, at such time and place as they shall think fit, excepting the days of annual review; and that such portion of the militia law of Iowa be adopted as will suit all the circumstances of our military organization.

We would recommend that the first article of the land law be so amended as to require that some permanent improvement be made on a claim before recording, and that such improvement be designated on record, with such other regulations relative to land claims, as, in the opinion of this assembly, will be most beneficial to the interests of the public. We would recommend that the fourth article of the land law be repealed, as it is considered detrimental to the interests of the community. We would recommend that commissioners be appointed to locate *roads*, in such places as this assembly shall deem necessary for the interests of the public, and that a law be enacted for the purpose of establishing ferries at different thoroughfares crossing the Willamette river.

We recommend the encouragement of the means of education, as far as our limited circumstances will allow. We would also recommend that the laws of Iowa be taken into consideration, concerning blacks and mulattoes, and that a law be enacted for the punishment of offenders inciting the Indians against the whites, and regulating the intercourse of the whites among the Indians of this colony.

And in conclusion, we desire to impress upon your minds, that although the colony is small, and its resources feeble, yet the life, rights, and liberties of an individual here are of equal value to him as to one in the city of Washington or London. And it is a duty which involves on you, and on us, to use as much discretion, vigilance and caution in maturing and adopting measures for promoting the interests of this little colony, as if we expected our names and acts would be enrolled in the pages of history, or inscribed on pillars of stone, when our day and generation shall have passed away.

Willamette Falls, June 18, 1844.

P. G. STEWART,
O. RUSSELL,
W. J. BAILEY,
Executive Committee.

On motion of Mr. Newell, a resolution was adopted thanking the committee for their message.

The Legislative Committee worked faithfully for ten days and then adjourned until December 16. Among the laws that they passed were two that became historical: The prohibition law, and the other to prevent Negroes and Mulattoes from residing in Oregon. The following is the vote on the latter bill: Yeas, Messrs. Burnett, Gilmore, Keizer, Waldo, Newell and Mr. Speaker (McCarver)—6. Nays, Messrs. Lovejoy and Hill,—2.

The following is the act as originally passed on June 27, 1844, and the amended act as passed at the adjourned session in the following December.

An Act in regard to Slavery and Free Negroes and Mulattoes.

Be it enacted by the Legislative Committee of Oregon as follows:

SECTION 1. That slavery and involuntary servitude shall be forever prohibited in Oregon.

THE PEOPLE OF OREGON TERRITORY,

TO ALL TO WHOM THESE PRESENTS SHALL COME:

KNOW YE, That pursuant to the Articles of Compact and laws of our said Territory, we have appointed and constituted, and by these Presents, do appoint and constitute Henry A. G. Lee Lieutenant Colonel the First Oregon Riflemen of Regiment of our said Territory, (with rank from the tenth day of May A.D. 1848 to hold the said Office in the manner specified in and by our said Articles of Compact and Laws.

IN TESTIMONY WHEREOF, We have caused our Seal for Military Commissions to be hereunto affixed. Witness **GEORGE ABERNETHY,** Governor of our said Territory, and Commander in Chief of all the Militia of the same, at our City of Oregon, the Third day of June in the year of our Lord one thousand eight hundred and forty-eight

Geo Abernethy

Passed the Adjutant-General's Office.

A. L. Lovejoy ***Adjutant-General.***

WHEREAS, by act of the Legislature of the Territory of Oregon, approved 10th December 1847, the Governor of said Territory, was (with other powers) authorized to raise a regiment of volunteer riflemen: which said act also authorized JESSE APPLEGATE, A. L. LOVEJOY and G. L. CURRY, as Commissioners, to negotiate a loan not to exceed One Hundred Thousand Dollars, for the purpose of carrying out the provisions of that act, and to pledge the faith of the Territory for the payment of such sum as might be so negotiated, within three years from the date of said loan unless sooner discharged by the Government of the United States. And

WHEREAS the said commissioners resigned their said office without performing all the duties thereof: And

WHEREAS by act of the Legislature of said Territory, approved 29d Dec. A. D. 1847, A. L. LOVEJOY, HUGH BURNS, and W. H. WILSON, were appointed a Board of Commissioners to fill the vacancy caused by the resignation of said former Board of Commissioners, clothed with the same powers, and subject to the same restrictions as defined in the said act, approved December 10th, A. D. 1847.

$25 No. 463

KNOW ALL MEN BY THESE PRESENTS,

THAT WE, A. L. LOVEJOY, HUGH BURNS, AND W. H. WILSON, *Commissioners of the Territory of Oregon, acknowledge that the Territory of Oregon is held and stands firmly bound unto* Milton Hale *in the full and just sum of* Twenty Five *dollars, with interest at the rate of* ten *per cent per annum to be paid unto the said* Milton Hale his *heirs, executors, administrators or assigns, for the payment of which, well and truly to be made, we, as Commissioners aforesaid, bind the Territory of Oregon firmly by these presents.*

Signed with our hands and sealed with our seals, this 10th *day of* April *A. D. 184*8

THE CONDITIONS *of the above obligation are such, that if the Government of the United States shall discharge the said sum of* Twenty Five *dollars, with the interest, within three years from the date hereof; or if the Territory of Oregon shal pay and satisfy the same within the time last aforesaid, then the above obligation shall be void, otherwise remain in full force and virtue.*

A L Lovejoy {L. S.}
Hugh Burns {L. S.}
W. H. Willson {L. S.}
Commissioners.

Att: Fredc Prigg
Secretary.

Geo. Abernethy
Gov. Oregon Territory.

COMMISSARY'S OFFICE, OREGON CITY, July 24 1848.

$ 81 80/100

LOAN COMMISSIONERS,

Pay A. H. Frier or order, Eighty one and 80/100 Dollars and charge this department.

No. 203

Joel. Palmer Com'y. Gen'l.

SEC. 2. That in cases where slaves shall have been, or shall be, brought into Oregon, the owners of such slaves respectively shall have the term of three years from the introduction of such slaves to remove them out of the country.

SEC. 3. That if such owner of such slaves shall neglect or refuse to remove such slaves from the country within the time specified in the preceding section, such slave shall be free.

SEC. 4. That when any free negro or mulatto shall have come to Oregon, he or she (as the case may be), if of the age of eighteen or upward, shall remove from and leave the country within the term of two years for males, and three years for females from the passage of this act; and that if any free negro or mulatto shall hereafter come to Oregon, if of the age aforesaid, he or she shall quit and leave the country within the term of two years for male and three years for females from his or her arrival in the country.

SEC. 5. That if such free negro or mulatto be under age aforesaid, the terms of time specified in the preceding section shall begin to run when he or she shall arrive at such age.

SEC. 6. That if any such free negro or mulatto shall fail to quit the country as required by this act, he or she may be arrested upon a warrant issued by some justice of the peace, and, if guilty upon trial before such justice, shall receive upon his or her bare back not less than twenty nor more than thirty-nine stripes, to be inflicted by the constable of the proper county.

SEC. 7. That if any free negro or mulato shall fail to quit the country within the term of six months after receiving such stripes, he or she shall again receive the same punishment once in every six months until he or she shall quit the country.

SEC. 8. That when any slave shall obtain his or her freedom, the time specified in the fourth section shall begin to run from the time when such freedom shall be obtained.

When the same Legislative Committee met again on December 16, the Executive Committee made the following recommendation: "We would recommend that the act passed by this assembly in June last, relative to blacks and mulattoes, be so amended as to exclude corporal punishment, and require bonds for good behavior in its stead."—*Oregon Laws and Archives, p. 58.*

At this session, the originator of the above law submitted the following as amendatory:

An Act amendatory of an Act passed June 26, 1844, in regard to slavery and for other purposes.

Be it enacted by the Legislative Committee of Oregon as follows:

SECTION 1. That the sixth and seventh sections of said act are hereby repealed.

SEC. 2. That if any such free negro or mulatto shall fail to quit and leave the country, as required by the act to which this is amendatory, he or she may be arrested upon a warrant issued by some justice of the peace; and if guilty upon trial before such justice had, the said justice shall issue his order to any officer competent to execute process, directing said officer to give ten days' notice, by at least four written or printed advertisements, that he will publicly hire out such free negro or mulatto to the lowest bidder, on a day and at a place therein specified. On the day and at the place mentioned in said notice, such officer shall expose such free negro or mulatto to public hiring; and the person who will obligate himself to remove such free negro or mulatto from the country for the shortest term of service, shall enter into a bond with good and sufficient surety to Oregon, in a penalty of at least one thousand dollars, binding himself to remove said negro or mulatto out of the country within six months after such service shall expire; which bond shall be filed in the clerk's office in the proper county; and upon failure to perform the conditions of said bond, the attorney prosecuting for Oregon shall commence a suit upon a certified copy of such bond in the circuit court against such delinquent and his sureties.—*Recollections and Opinions of an old pioneer, by P. H. Burnett, p. 215.*

Both of these laws seem to have been entirely nugatory. First, they did not go into effect until two years after their passage; Second, it was evident that there were none who would insist upon the fulfillment of such an objectionable law. Mr. Burnett though a native of a slave State, was not in favor of slavery himself, and thought it would not be best for a class who were proscribed on account of color and social condition to live among a people, who, although opposed to slavery, would not allow them franchise of citizenship.

I have not been able in one instance to find in the history of Oregon at that, or, at any later period an instance in which the law was or attempted to be enforced. It was practically a dead law on the statute books.

The Legislative Committee met at Oregon City, Dec. 16, 1844, pursuant to adjournment, and the Executive Committee sent the following

MESSAGE.

To the honorable the Legislative Committee:

GENTLEMEN.—As the expectation of receiving some information from the United States, relative to the adjustnent of the claims of that Government and of Great Britain, upon this country, was the principal cause of the adjournment of this assembly, from June last to this day, we feel it our duty to communicate such information as we have been able to collect on the subject, and likewise to recommend the adoption of further measures for the promotion and security of the interest of Oregon.

The lines defining the limits of the separate claims of the United States and of Great Britain, to this portion of the country, had not been agreed upon when our latest advices left the United States—and, as far as we can learn, the question now stands in the same position as before the convention in London, in 1818. At that time, the United States Government proposed to draw the division line, on the 49th parallel of north latitude, from the Lake of the Woods to the Pacific ocean. To this, Great Britain would only consent in part, viz: That the line should run on the 49th parallel, from the Lake of the Woods to the dividing range of the Rocky mountains; and it was fully agreed upon between the parties, and that all of the country lying west of the Rocky mountains and on the Pacific ocean, should, with its harbors, bays and rivers, remain open for ten years to the vessels, subjects or citizens of both countries. But it was at the same time, expressly understood, that the said agreement was not to be construed to affect or prejudice the claims of either party, or any other power, or any portion of said country. Before this agreement expired, another convention was held in London, in 1827, by the two contracting powers; by which the former treaty was extended with the provisions, that when either of the parties thought fit, after the 20th of October, 1828, to abrogate the convention, they were at liberty to do so, by giving twelve months' notice to the other contracting party; but nothing contained in the treaty of 1827, was to be construed so as to effect in any manner the claims which either of the contracting parties or any other power, might have to any of the country lying west of the Rocky mountains.

The subject has again been called up for investigation by the two powers, and a negotiation was begun at Washington in the early part of the present year, but was for the time being suspended on account of a disagreement between the parties; and notice of the abrogation of the convention of 1827, had not been given by either party, when our latest information left the United States. And we find that after all the negotiations that have been carried on between the United States and Great Britain relative to settling their claims to this country, from October, 1818, up to May, 1844, a period of nearly twenty-six years, the question remains in the following unsettled position, viz: Neither of the parties in question claim exclusive right to the country lying west of the Rocky mountains between the parallels of 42°, and 54° 40′ north latitude, and bordering on the Pacific ocean. But one claims as much right as the other, and both claim the right of joint occupancy of the whole, without prejudice to the claims of the other State or Power to any part of said country.

We have submitted to you this information, gentlemen of the assembly, for two particular reasons: 1st—To correct an error that occurred in our last communication to this body, relative to the claims of the United States and Great Britain to this country. 2d.—That you may bear in mind, while legislating for the people of Oregon, the position in which this country stands with regard to these claims.

We would advise that provision be made by this body, for the framing and adoption of a constitution for Oregon, previous to the next annual election, which may serve as a more thorough guide to her officers, and a more firm basis of her laws. It should be constructed in such a manner as would best suit the local situation of the country and promote the general interests of the citizens, without interfering with the real or pretended rights of the United States or Great Britain; except when the protection of life and property actually require it.

We would suggest for your information, that this Government has now in its possession, notes given by different individuals residing in the country, amounting to $3,734 26, most of which are already due. These notes are a balance in favor of the estate of Ewing Young of Oregon, deceased, intestate, A. D., 1840, after all legal dues, debts and damages are paid, that have come to the knowledge of the administrator, or probate courts of Oregon, up to date. We would therefore advise that these demands should be collected, and appropriated to the benefit of the country, the Government being at all times responsible for the payment of them to those who may hereafter appear to have a legal right to the same.

We would again call your attention to a measure recommended in our last communication, to-wit: The expediency of making provision for the erection of a

public jail in this country. Although the community has suffered very little as yet for the want of such a building, and perhaps another year might pass without it being occupied, which is to be hoped might be the case; yet we are assured that it is better policy to have the building standing without a tenant, than a tenant without the building. And, in order to promote industry, and the peace and welfare of the citizens of Oregon, this Government must be prepared to discountenance indolence, and check vice in the bud.

We would recommend to your consideration the propriety of making provisions for the filling of public offices which are now, or may become vacant or otherwise, previous to the next annual election.

We would recommend that the act passed by this assembly in June last relative to blacks and mulattoes, be so amended as to exclude corporal punishment, and require bonds for good behavior in its stead.

We consider it a highly important subject that the executive of the Government should have laws which may direct them in settling matters relative to lands, reserved by Indians, which have been, or may be settled upon by whites.

We would recommend that provisions be made for the support of lunatics and insane persons in Oregon.

With regard to the state of the treasury, we would refer you to the treasurer's report to this assembly.

We are informed that the number of emigrants who have come from the United States to this country, during the present year, amounts to upwards of 750 persons.

We would recommend that the act passed last June, defining the northern boundaries of Tuality and Clatsop counties be so explained as not to conflict with the act passed in this assembly in June, 1843, extending the limits of Oregon to 54° 40′, north latitude.

And we would suggest, in conclusion, that to preserve the peace, good order, and kind feeling which have hitherto existed among the inhabitants of this country, depends very much upon the calm and deliberate judgment of this assembly. And we sincerely hope that Oregon, by the special aid of Divine Providence, may set an unprecedented example to the world, of industry, morality and virtue. And although we may now be unknown as a State or Power, yet we have the advantages, by united efforts of our increasing population, in a diligent attention to agriculture, arts and literature, of attaining, at no great distant day, to as conspicuous an elevation as any State or Power on the continent of America. But, in order to carry this important measure, and arise to that distinguished station, it becomes the duty of every citizen of this country, to take a deep interest in its present and future welfare. As descendants of the United States and of Great Britain, we should honor and respect the countries which gave us birth; and as citizens of Oregon, we should by a uniform course of proceeding, and a strict observance of the rules of justice, equity and republican principles, without party distinction, use our best endeavors to cultivate the kind feelings, not only of our native countries, but of all the Powers or States with whom we may have intercourse.

WILLAMETTE FALLS, Dec. 16, 1844.

OSBORN RUSSELL
P. G. STEWART,
Executive Committee of Oregon.

The Legislative Committee adjourned on Dec. 24, 1844, after enacting quite a number of beneficial laws.

Congressional.

January 4, (1844), Senator Allen's, Ohio, resolution which reads as follows was taken up and discussed:

Resolved, That the President be requested to lay before the Senate, if in his judgment that may be done without prejudice to the public interest, a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to and occupation of the territory of Oregon since March 4, 1841. Also, a copy of any correspondence which may have passed between this Government and that of Great Britain in relation thereto since that time.

Mr. Morehead apprehended its adoption might create a precedent.

Mr. Allen said the precedent is already established in the long settled practice of this body. The President has power to initiate negotiations leading to treaties, but they must be consummated here. The President has no absolute power over their conclusion. * * The late British treaty should admonish us, that the Senate must act in time, and interfere while negotiations are pending. The impending calamity must be arrested in time. The discussions of the British treaty, which took place, and could be alluded to without impropriety. He would ask the senators what was the strongest argument in favor of the ratification of this treaty? The argument was, that the Executive had acted and the country was compromitted, and that the calamity of a rejection of a treaty would be as great as of its ratification. That treaty was negotiated almost under the eye of the Senate—certainly within reach of its arm. A treaty that was repugnant to the sense of a majority of the senate was ratified here by a vote of two-thirds. It was done because every Senator felt himself bound to vote in compliance with the case that was made to them. Could it be supposed that representatives of sovereign States would agree to a treaty by which a portion of one of their number was thrown out of the Union, and given to a foreign power? We lost a part of the territory of Maine the moment we yielded to negotiation, though we had unanimously declared that it belonged to us. We agreed to negotiate, and then it became necessary that somebody should pay the cost of a negotiation, and so they split the country in dispute between the two parties. We have had experience and warning enough in the history of that treaty, by which the Senate were forced to sacrifice the interests, and, I believe, the honor of the country, to induce us to be more watchful and prompt in the discharge of our duties hereafter. How is it with the Oregon negotiations? I have seen the official debates, wherein it is reported that on March 21, 1843, Lord Palmerston said "There was another boundary question still pending, relative to what was called the Oregon territory. What had happened lately in that question? The Senate of the United States had proposed a bill for taking possession of that entire territory, and the Senator who introduced the bill observed that Great Britain would acquiesce in the right of the United States to the territory when the subject should be brought before her in what the Senator was pleased to call a proper manner. It was possible that the bill might not pass; but if it did pass, and became a law, and was acted on, it would be a declaration of war." Mr. Allen then read:

"The question of the Oregon boundary, said Sir Robert Peel, is not adjusted, and it is not necessary that I should address the house upon it. Our Government was not so open to popular influences as that of the United States. But we have no intelligence that the bill alluded to had become a law. We had proposed to that Government some means by which the adjustment of the Oregon question could be effected, and we had met no repulse. We had, on the contrary, received assurances that the Government was anxious to bring it to an adjustment. But we are dealing with the executive branch of the Government, and not with the legislative. If the bill alluded to should pass, it was impossible for the Executive to give it his sanction, after the assurance given to this Government on this subject."

After considerable debate, the further consideration was postponed until the following Monday.

January 8, Mr. Semple, of Illinois, submitted the following which lies over:

Resolved. That the President of the United States be requested to give notice to the British Government that it is the desire of the Government of the United States to annul and abrogate the provisions of the third article of the convention concluded between the Government of the United States of America and His Britannic Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, and indefinitely continued between the same parties, signed at London the 6th of August, 1827.

Mr. Allen submitted the following which lies over:

Resolved, That the President be requested to inform the Senate, if it be in his power to do so, whether any of the Indian tribes, or any of the Indians residents within the territorial limits of the United States, are in receipt, periodically or occasionally, of any pension, pay or presents, in money or in other things, from the British Government; and if so, that he be requested to state the particulars; also, whether the Government of the United States has had any correspondence with the British Government in relation to the matter; and in that event, that he be requested to lay before the Senate a copy of such correspondence.

The senate then proceeded to the consideration of the resolution heretofore submitted by Mr. Allen, and the debate was taken part in by several of the senators; the western members advocating the same, the eastern and southern opposing, and it was defeated, yeas, 14; nays, 31.

January 4. Rep. Robert Dale Owen, of Indiana, submitted the following which was referred to committee on foreign affairs:

Resolved, That in accordance with the provisions of the second article of a convention between the United States of America and the King of the United Kingdom of Great Britain and Ireland, of Sept. 6, 1827, continuing indefinitely the provisions of the third article of the convention of Oct. 20, 1818, relative to the joint occupancy by Great Britain and the United States of America of certain lands on the northwest coast of America, westward of the Stony mountains, commonly called the territory of Oregon, the President of the United States be requested to give due notice of twelve months to the Government of Great Britain, that, after the expiration of the said term of notice, the United States of America will annul and abrogate the said convention of Sept. 6, 1827, so continuing the provisions of the third article of the convention of Oct. 20, 1818, as aforesaid.

The following message from the President was received by the House of Representatives.

To the House of Representatives of the United States.—In answer to the resolution of the House of Representatives of 10th inst., requesting the President to communicate to that body "copies of all correspondence with any foreign Government relative to title, boundary, discovery and settlement, of the territory of Oregon." I have to state that the information called for by the house, has been already, from time to time, transmitted to Congress, with the exception of such correspondence as has been held within the last few months between the Department of State and our minister at London; that there is a prospect of opening a negotiation on the subject of the northwest boundary of the United States immediately after the arrival at Washington of the newly appointed British minister, now daily expected; and that, under existing circumstances, it is deemed inexpedient, with a view to the public interest, to furnish a copy of the correspondence above mentioned.

JOHN TYLER.

WASHINGTON, Jan. 16, 1844.

January 23. Rep. C. J. Ingersoll, of Pennsylvania, from the committee on foreign affairs, to whom had been referred the joint resolutions introduced by Mr. Owen, requesting the President to give notice of twelve months to the British Government of the intention of the United States to put an end to the convention for the joint occupancy, etc., reported the following:

Resolved, As the opinion of the committee, that it is inexpedient for Congress at this time, to act in any manner upon the subject referred to in said resolution.

Mr. Owen, of Indiana, moved to amend by substituting for it the original resolution which he had introduced. Mr. O. said that this territory was one-third as large as the original thirteen States of the Union. The convention for its joint occupancy was made in 1818. In 1824, Mr. Adams being secretary of state, and Mr. Rush, minister at London, there was an attempt unsuccessfully made to settle the subject; also two years later there was another attempt, Mr. Clay being secretary of state, and Mr. Gallatin, minister. In a letter from the former to Mr. Gallatin, Mr. Clay said, "nor is it concluded that Great Britain has or can make out even a colorable title to any portion of the territory on the northwest coast." Mr. Clay had doubtless examined the subject and understood it, and Mr. O. pledged himself to prove that the title of the United States to that whole territory was perfect, unquestionable, undeniable, according to international law—as clear as that of any man on this floor to the plantation or farm he owned. Mr. O. then went on to condemn strongly the instructions given by Mr. Clay shortly afterwards to the same minister to negotiate away one-half of the territory, and that too in a spirit of concession and compromise. Mr. O. strongly reprobated such concession and expatiated upon the increased arrogance and extent of British claim which ensued upon that demonstration. Every concession weakened a claim, and the American claim had been weakened by concession upon this subject. He conceived that our best statesmen had been misled by the position then taken. Mr. Calhoun was quoted and complained of for yielding so much as he had upon this subject.

The morning hour having expired, the house resolved itself into committee of the whole, and spent the rest of the day in discussing an abolition resolution from the Massachusetts legislature.

January 24. On motion of Mr. Owen, the house resolved itself in the committee of the whole, on the amendment offered by Mr. Ingersoll.

Mr. Owen arose and concluded his remarks and strongly animadverted upon the passage of Mr. Calhoun's speech on the Oregon question made last session, wherein as quoted "it follows that the portion of territory really in dispute between the two countries is about three degrees of latitude." Mr Owen feared that if Mr. Pakenham had read that speech, he would come prepared not to discuss the question whether Oregon belonged to us or Great Britain, but the question how these three degrees of latitude should be parcelled out. What could be expected from negotiations commenced under such auspices? He knew that they were told in the message of the President, that our minister at London had again brought this subject to the consideration of that Government. I am sorry for it. Twice had we approached Great Britain in a spirit of liberal concession; twice had she rejected our terms. The objection that had been made, he presumed by the committee on foreign affairs to this resolution was, that, if adopted, it would cast difficulties in the way of this negotiation. But if nothing reasonable was to be expected from such a negotiation, why should objection be made on that ground? From the past he judged the future. That which had baffled the talents of Henry Clay and the perseverance of the honorable gentleman from Massachusetts (J. Q. Adams), he trusted he might be permitted to doubt whether John Tyler would succeed in effecting.

But a further objection would be made that this joint resolution, this notice to Great Britain, might be offensive to her, and might become a cause of war. If to give notice to Great Britain that she could no longer occupy with us the valley of the Columbia—if that were a cause of war, then war must come; it might come sooner, it might come later; but come it must at last. Would they check the emigration to Oregon? How? Would they build up along the summit range of the Rocky mountains a Chinese wall of demarkation, and say to the spirits of the western wilderness "thus far shalt thou go and no further, and here shall your onward progress be stayed?' When they could control the mountain eagle on his upward course to the sun; when they could check the wild horse of the prairie in his impetuous career; when they could quench in the bird of passage that instinct which bids her up and away, then they might expect to set mete and bound to the spirits of the west this side of the Pacific. Oregon is our land of promise, our land of destination. "The finger of nature," had pointed it out. Two thousand American citizens are already indwellers of her valley; 5,000, and it may be twice 5,000 will have crossed the mountain passes before another year rolls around. While we are legislating they are emigrating. and, whether we legislate or not, they will emigrate still. If Great Britain was governed by principles of justice and equity, she could find no cause of offense in the notice. But if it was her intention to resist if, as a leading London journal (not a ministerial organ, however) had lately asserted, she was resolved to arm the Indian tribes in her cause—if that were the policy she intended to pursue, why then this resolution might be voted down; the bill of the gentleman from Missouri might be defeated; they might depart from these halls and do nothing for the settlers of the valley of the Columbia, yet let that threat be carried into effect. Let these Indians be armed, let the first blood follow the blow of the tomahawk, and would the people wait their tardy legislation before they rushed to rescue.

Let the news of a massacre on the banks of the Columbia pass over our land, and their "armed occupation" project for the protection of Oregon would be but an idle form. It soon would be occupied—armed occupation, too. By whom? Not by smooth chinned, neatly-trimmed, and uniformed cadets from West Point, but by veteran pioneer men from whom old age, though it whitened their locks, could not steal their strength and fire; by fierce young hunters, who had heard the warwhoop in their cradles, who burned to avenge the death of their fathers; by parties of Nimrod hunters, who, with their belts at their arm and their musket on their shoulder, feared nothing, white, red or black, in the shape of man. What a spectacle. A distinguished British statesman had well said, "he who vindicates the honor of his country vindicates its dearest interests; for he who vindicates its honor preserves its peace." When we make a move, let it be an effectual one. It was worse than idle to patch up a hollow truce. They knew public opinion told them—that we must have the valley of the Columbia; but we must occupy it alone; we must extend our jurisdiction over it. A bill to that effect—and not only that, but making grants of lands to actual settlers—had passed the Senate at its last session. It was very possible that such a bill would pass at the present session; it certainly would before long. * * * Before this government promised possession to others, it ought first to take measures to obtain it wholly ourselves. The treaty pointed out how this might be done, and the present resolution declared that it should be done. Then all scruples would be over, and we might erect the territory into a free and independent State—destined as he trusted to a long career of prosperity and glory, and to preserve and perpetuate those noble institutions to which we owed our own strength and happiness as a people —destined, though prairie and wilderness, and mountain might intervene, to become one with us in sentiment and habit, in feeling, and in creed.

Mr. Thomasson, of Kentucky, agreed with Mr. Calhoun, that there was no necessity for immediate action upon this subject. The pioneers would soon be strong enough in Oregon to take possession of the territory for themselves.

Mr. Wentworth, of Illinois, was opposed to the policy of the Government and Great Britain, and was for taking speedy possession of the territory.

By general consent, the matter was passed over for the present.

February 5. Senator Hannegan presented the following joint resolutions from the State legislature of Indiana:

WHEREAS, The district of country known as the territory of Oregon rightfully belongs to our National Government; and whereas, the insatiate avarice and grasping spirit of the British Government seems already directed to its subjugation and conversion; and whereas, the slightest infringement of national right is a prelude to more high-handed and audacious aggresion; therefore

Be it resolved, That our senators in Congress be instructed and representatives requested to use their proper instrumentality to provide for the immediate occupation, organization, and defence of Oregon territory, "peaceably if we can, forcibly if we must."

Mr. Hannegan said he was happy to say that the resolution had passed with singular unanimity, both branches of the legislature having adopted it without a dissenting voice. At a proper time he would take an opportunity to address the senate on this subject, and would now content himself with simply moving that the resolution be laid on the table and printed—agreed to.

Mr. Atchison, of Missouri, presented a memorial from sixty or seventy emigrants to Oregon, who say that they have been driven from the territory by the Hudson's Bay Company.

February, 9. During a debate to purchase 1,500 copies of Robert Greenhow's book on Oregon, a great deal of interest was manifested in regard to Oregon.

Mr. Archer, of Virginia, said the senator from Missouri (Mr. Benton), was thoroughly informed while other senators were not.

Mr. Buchanan said he would never agree to relinquish one foot of Oregon. Our claim to that territory could be substantiated by the treaty of Utrecht only as far as the 49°. If we rested our claim on discovery, it would not extend beyond the valley of the Oregon. But if our claim is good as this book shows us, it rests on the old Spanish claim. This work presents translated copies of old Spanish voyages and documents, proving their title and thus, also, ours, by abundant testimony, up to 54° 40′ to a certainty, and beyond that, but for our treaty with Russia.

Mr. Benton—As to the character of our title to Oregon, there was a much broader and clearer claim than any mentioned in this book, on which we rested. We settled the territory. The settlement of it was the basis of our claim. He could show that our settlement was of a date prior to that of the British. The British never saw or heard of the Oregon till we discovered it, and put the badge of our sovereignty upon it. Then Great Britain jumped down upon, and now she was going to fight out her claim. He would assure the gentlemen that we were not going to have another northeastern boundary question of this. It was not another Massachusetts and Maine question. There was to be no trembling and yielding in this case, as there was in the former one. No trembling hearts were to be found in the west. This was a western question, and the west had a regard for national honor. * * * "Before long I will make a speech on the Oregon question for myself."

On motion the subject was postponed for the present.

Secretary of war, J. M. Porter, in his annual report dated November 30, 1843, uses the following language in regard to surveying the route to Oregon and establishing military posts along the same, which, evidently, was the policy advanced by Dr. Whitman to that officer, and if it had been carried out by the Government would have saved the emigrants of after years great suffering and danger:

By the commencement of topographical surveys west of the Mississippi, it is thought that assurance has been given of their prosecution. The results, as far as ascertained, are highly satisfactory and creditable to the scientific gentlemen in charge of the respective works. It is hoped that the surveys already commenced on the Platte and Kansas rivers may be prosecuted, and that means may be furnished, and authority given to construct a road through the lands belonging to the United States, so as to afford a safe and expeditious route for emigrants to the Oregon territory. This could be done at a moderate expense, as there would, generally, be little to do more than to survey and mark out, and construct bridges over the large streams. The survey should also embrace the proper positions of military posts which will be found necessary for the purposes of keeping the Indians in order, preventing misconduct in trading among them, and furnishing security to travelers crossing the Rocky mountains. At these military posts settlements would soon be formed, and travelers, instead of encountering the troubles, inconveniences and dangers of a long journey through a wilderness, would find themselves enjoying on the whole route, the comforts and security of civilized life."

Senator W. L. Dayton, of New Jersey, on February 23d, made a long speech against the resolution of notification, and reviewed the whole question in a partial and biased manner, and brought up all the disparaging articles that had been published about Oregon. The following are two articles that he read. The former, from the *Louisville Journal*, shows a denseness of ignorance that is simply appalling, and if the writer is still living, he certainly must blush at the manner in which he spoke of a district of country that now comprises three as prosperous states as there are in the Union. Mr. Dayton said:

I trust I may be pardoned here for reading an extract from a western paper of recent date—*Louisville Journal*—republished in the *National Intelligencer*, of this city. Here it is: "What there is in the territory of Oregon to tempt our national cupidity, no one can tell. Of all the countries on the face of the earth, it is one of the least favored of Heaven. It is the mere riddling of creation. It is almost as barren as the desert of Africa, and quite as unhealthy as the Campania of Italy. To leave the fertile and salubrious lands on this side of the Rocky mountains and to go beyond their snowy summits a thousand miles, to be exiled from law and society, and to endeavor to extort food from the unwilling sand heaps which are there called earth, is the maddest enterprise that has ever deluded foolish man. We would not be subjected to the innumerable and indescribable tortures to a journey to Oregon for all the soil its savage hunters ever wandered over. The journey thither, from all accounts, is horrible enough, but it is paradisean when contrasted with the wasting miseries which beset the wretched emigrant when he has reached a point where he fancied his unutterable woes were to cease, but where he finds they are to be increased beyond all endurance. Of the last party of emigrants that left Missouri for Oregon, only eight died of starvation before reaching Fort Hall, which is half way to the country that is reckoned inhabitable by those who are afflicted with the Oregon mania.

"All the writers and travelers agree in representing Oregon as a vast extent of mountains and valleys of sand dotted over with green and cultivable spots. This is the representation given by Cox, Bonneville, Farnham and Hinds. Now that such a wretched territory should excite the hopes and the cupidity of citizens of the United States, inducing them to leave comfortable homes for the heaps of sand is, indeed, passing strange. Russia has her Siberia, and England has her Botany Bay, and if the United States should ever use a country to which to banish its rogues and scoundrels, the utility of such a region as Oregon will be demonstrated." Mr. Dayton said, I read the extract without adopting the sentiments as to the character of the country in the full extent; but this description in a paper of the west so widely circulated as the *Louisville Journal*, is evident to my mind that public sentiment there in behalf of the settlement of Oregon is not so universal as some gentlemen have presented it. I desire here to disclaim any intention to burlesque the subject or feelings of senators who seem to be extremely sensitive upon the point. With the permission, therefore, of the senate, I will call attention to another extract of a grave tone, and from a paper above all exception. I read from the *Christian Advocate* of the 7th of this month (February): "The west has land enough yet to settle and improve at home. The population cannot be so crowded for half a century to come as to be willing to incur the horrors of war to acquire waste lands on the other side of the globe. Indeed, when we take into view the inducements which must be offered to a people circumstanced as the inhabitants of the western states and territories are, in order to induce them to emigrate and compare them with the Oregon territory presents, we should be inclined to think, the representation of their feelings as having been made on very insufficient grounds. We have some opportunity, from our position, to form a correct estimate of the soil, climate, productions and

> facilities of the country from the Rocky mountains to the Pacific ocean, as we have had a large mission there for several years, distributed in small parties over the territory; and, from all we have learned, we should prefer migrating to Botany Bay. With the exception of the lands on the Wallamette, and strips along a few of the smaller water courses, the whole is among the most irreclaimable barren wastes of which we have read, except the desert of Sahara. Nor is this the worst of it. The climate is so unfriendly to human life, that the native population has dwindled away, under the ravages of its malaria, to a degree which defies all history to furnish a parallel in so wide a range a country; and the scattered remnants of the wandering tribes of Indians who still remain exhibit a degree of decrepitude, loathsome disease and moral degradation which is unknown among any other portion of the aborigines. So entirely sunken and subdued are these wretched people, and so rapid has been their decay, that they predict their own annihilation from the 'cold sickness,' as they have learned to call the ague, which is a prominent symptom of the terrible malady which annually visits them in all their wanderings."

Mr. Dayton then proceeded to argue that the country was not worth contending for, it was 18,000 miles by the way of Cape Horn and 5,000 across the continent, and entirely too far for any practical use, and the long journey by teams was a great undertaking; and as to building a railroad, he says:

> "The power of steam has been suggested. Talk of steam communication—a railroad to the mouth of the Columbia? Why, look at the cost and bankrupt condition of railroads proceeding almost from your capitol, traveling your great thoroughfares. A railroad across 2,500 miles of prairie, of desert, and of mountains! The smoke of an engine through those terrible fissures of that great rocky ledge, where the smoke of the volcano has rolled before! Who is to make this vast internal, or rather external improvement? Whence is to come the power? Who to supply the means? The mines of Mexico and Peru disembowled would scarcely pay a penny on the pound of the cost. Nothing short of the lamp of Aladdin would suffice for such an expenditure. The extravagance of the suggestion seems to me to outrun everything which we know of modern scheming. The South Sea bubble, the Dutchman's speculation in tulip roots, our own in town lots and multicanlis, are all commonplace plodding in comparison."

The above is a specimen of Mr. Dayton's argument through fifteen columns of the *Globe*, using ridicule in place of argument in many places. It is strange that men with the ability of senators Dayton and Choate, and possessing such opportunities of informing themselves at that late day in history and geography, should use such language, without heeding the mighty achievements that were even then being inaugurated. Within two decades of the time in which they spoke railroads spanned the continent in several places, with parallel lines of telegraph; a cable conveyed intelligence beneath the ocean's waves, while in less than fifty years from that date, half a dozen States were admitted into the Union, all, with one excption formed out of country only to be compared to Botany Bay.

Mr. Breese in reply to Messrs. Dayton and Choate brought forward considerable evidence that was apparently new, but as this debate is growing so long, I will only give one of his quotations:

"Captain Spaulding, who visited Oregon in 1841 says: 'The colony of the United States is situated on the Willamette, a branch of the Columbia, about ninety miles from its mouth, which is undoubtedly the finest grazing and wheat country in Oregon; at present it consists of seventy families, who raise considerable grain, and have about 3,000 head of cattle. The mission, last year, raised 1,000 bushels of wheat, and made butter, cheese, &c., for their own use. They have 500 head of cattle, and 200 horses, and last year they sowed 400 bushels of wheat, 120 of peas, and planted a large quantity of potatoes and vegetables of every description. They have hogs, poultry, &c., in abundance. Last year they raised over, 1,500 bushels of potatoes. The extent of the country comprising the Willamette valley is about 300 miles long, and 200 broad, interspersed with ravines of wood, generally of sufficient quantities for fuel and fencing. The land, in its natural state is ready for the plough, and is very fertile, producing from 25 to 40 bushels of wheat to the acre, and the climate so mild that the cattle subsist in the fields without fodder, or shelter of any kind being prepared or provided for them through the winter. Salmon can be taken at Willamette falls (which, however the British have taken possession of, and compelled our people to build mills at the falls above) with little trouble from May to September, in almost any quantity. I have no hesitation in saying that 10,000 barrels might be taken per annum. Probably no place in the world offers greater inducements to emigrants. Provisions might readily be procured to support 1,000 emigrants at any time.'"

To the speech of Mr. Dayton, Senator Buchanan, of Pennsylvania, said: "I feel deeply impressed with the importance of the question under discussion, and for the necessity which exist for its speedy adjustment. My conviction is strong that a peaceful settlement of this question can only be accomplished by prompt but prudent action on the part of this Government. We are all anxious that it should be settled in peace; yet I am firmly convinced that the mode by which Senators on the other side desire this end will utterly fail. Already we are sending numerous emigrants every year across the Rocky mountains; we are sending them without the protection of law, and without the restraint of civil government. We must send them laws and a regular form of Government. We must take them under our protection if we would prevent collisions between them and the British occupants—the servants and people of the Hudson's Bay Company. This we must do, if we would preserve peace between the two nations. Mr. Buchanan said he cared little as to the mere form of the resolution. "This I shall say however, we ought not to expect the President, under existing circumstances, to assume the responsibility of giving the proposed notice for the terminating of treaty of joint occupancy, without the sanction of both houses of Congress. The treaties of 1818 and 1827, are the law of the land. The third article of the convention of the 20th of October, 1818, and extended in 1827, subject, however, to the condition, that either of the parties 'on giving due notice of twelve months to the other contracting party, might 'annul and abrogate this convention.' The question is, shall we advise the President to give this notice? If our Government should give this notice it would restore each party to its original rights. The northern boundary of Mexico, on the Pacific is the forty-second parallel of north latitude. By separate treaties between the United States and Russia, and Great Britain and Russia, this power has relinquished all claim to any territory on the northwest coast of America,

south of the latitude of 54° 40′. The territory in dispute embraces that vast region extending along the Pacific ocean, from the 42° of north latitude to 54° 40′ north, and running east along these respective parallels of latitude to the summit of the Rocky mountains. Now, sir, to the whole of this territory—to every foot of it—I believe most firmly that we have a clear and conclusive title."

This debate was long and acrimonious, and Senator Buchanan referred to the celebrated Oswald map, on which was marked the boundary in a broad red line between the United States and Canada, drawn by Mr. Oswald, who was the British Commissioner at Paris who made the preliminary treaty in 1782, which was confirmed in 1783. This map was marked by order of King George III, and written upon in the King's own hand, "this is the boundary line." After the death of King George III, the map was removed to the private office in the foreign office and there kept secretly. By this low trickery of the British ministry, they were enabled to secure a much more advantageous treaty in regard to territory and stragetical points in case of war. Some of the Senators were inclined to doubt the statement, but Mr. Buchanan produced the proof by an official report of the Parliamentary debates, but it was too late to repair the defect.

The truth is, that for some reason, our negotiators were never equal to the British agents, and then to add still more to our disgrace, Congress itself seemed indifferent, and would at any period spend ten times more time in discussing an abolition petition or any other question where the everlasting "nigger" would appear than the interest of a domain that has since proved to be more than a hundred times as valuable. The history of Congressional action in regard to the Pacific coast from the earliest days of the rise of our interest, up to our admission as a State, has been a disgrace to any Government, and especially to ours. Neglected for years while struggling to overcome British influence, exerted through the Hudson's Bay Company, compelled to carry on a war and conquer a savage tribe of Indians, without assistance. Even when compelled by dire necessity, an appeal was made, we were left to struggle as best we could, while the Government to pander to a domineering southern majority declared an unjust war on a friendly nation and robbed it of a vast and valuable territory for the purpose of creating a new slave State in order to keep a political equilibrium.

The action of our Government even after territories were organized was anything but just and equitable. When the savage Indians attacked the settlements and brought on war, the volunteers were not paid justly for service or material furnished, and to this day payment is resisted for property destroyed by the Indians. This indifference of our Government allowed the Hudson's Bay Company to rob the country of over $30,000,000 in furs during the time that they possessed the country under joint occupancy, and came near turning the whole possession over to the British Government, instead of that portion now known as British Columbia, that justly belonged to the United States according to the treaty of Utrecht.

Mr. John Dunn, who was for eight years a clerk of the Hudson's Bay Company, during most of that time being stationed at Fort Vancouver, returned to England in 1844, and in a book published that same year, speaking of the immigrants coming to Oregon says:

> "Though several parties have penetrated into Oregon from the United States, through the Rocky mountains, yet it may be safely asserted, from concurrent testimony of trappers and traders, and settlers, who have themselves passed these natural barriers, that the difficulties are so numerous and formidable, and the time necessary for the passage so long, that there is no secure, expeditious or commodious track, which can ever be used as a highway to afford facilities for an influx of emigrants overland. Several routes have been tried of late, and each differs only from the other in the privations which the passengers undergo. None but the wild and fearless trappers can clamber over these precipices, and tread these deserts with security; and even these are quiting them as haunts, and now using them only as unavoidable tracks. It is true, there have been published more favorable accounts within the last year or two by parties who have made the journey safely, and who encourage others to make a similar experiment. But these accounts are in such a spirit of *bravodo*, and accompanied with expressions of thankfulness by the parties for their own success, that they are indirect proofs of the difficulties and danger of the undertaking, and of the utter hopelessness of such a route for general purposes. For hundreds of miles, the several tracks present nothing but frightful barrenness under foot, and overhead, scorching heat, or piercing cold. The country even west of the Rocky mountains, is broken with towering cliffs, deep ravines, and sunken streams, from which the traveler cannot draw a drop to allay his burning thirst; and the soil is either sandy, in which he sinks at every step; or of a black, rugged stone, which tears his feet. The travelers have been obliged to feed on the lean carcasses of their animals, which have died from hunger, thirst or fatigue."

It seems strange that Dunn should write in that strain when he ought to have known that emigrants had successfully crossed the plains two years before (1842). But his whole book was written in that spirit; everything English was good,—everything American bad, who indulged in braggadocio and bordering on robbery and other disreputable conditions of affairs.

There has been considerable discussion whether Dr. Marcus Whitman went to Washington City at the time he made his celebrated winter trip (1842–3), across the mountains. The following letter on file in the war department written to Secretary of War, James M. Porter, in the handwriting of Dr. Whitman should settle the question that he was at that city, and undoubtedly had interviews with the President and most of his cabinet. On the original is the endorsement, "Marcus Whitman, enclosing synopsis of a bill, with his views in reference to importance of the Oregon Territory, War 382, Rec. June 22, '44."

This document was copied from the original by Hon. Henry H. Gilfry.

To the Honorable James M. Porter, Secretary of War:

SIR:—In compliance with the request you did me the honor to make last winter while at Washington, I herewith transmit you the synopsis of a bill which, if it could be adopted, would, according to my experience and observation, prove highly conducive to the best interests of the United States generally, to Oregon, where I have resided for more than seven years as a missionary, and to the Indian tribes that inhabit the intermediate country.

The Government will doubtless now for the first time be apprised through you and by means of this communication, of the immense migration of families to Oregon which has taken place this year. I have, since our interview, been instrumental in piloting across the route described in the accompanying bill, and which is the only eligible wagon road, no less than [200] families consist ing of 1,000 persons of both sexes, with their wagons, amounting in all to more than 120, 694 oxen and 973 loose cattle.

The emigrants are from different states, but principally from Missouri, Arkansas, Illinois and New York. The majority of these are farmers lured by the prospects of Government bounty in lands, by the reported fertility of the soil and by the desire to be first among those who are planting our institutions on the Pacific Coast.

Among them, also, are artisans of every trade comprising, with farmers, the very best material for a new colony. As pioneers, these people have undergone incredible hardships, and having now safely passed the Blue mountain range with their wagons and effect, have established a durable road from Missouri to Oregon, which will serve to mark permanently the route for larger numbers each succeeding year, while they have practically demonstrated that wagons drawn by horses or oxen can cross the Rocky mountains to the Columbia river, contrary to all the sinister assertions of those who pretended it to be impossible.

In their slow progress these persons have encountered, as in all former instances, and as all succeeding emigrants must, if this or some similar bill be not passed by congress, the continual fear of Indian aggression, the actual loss through them of horses, cattle and other property, and the great labor of transporting an adequate amount of provisions for so long a journey. The bill herewith proposed would in a great measure lessen these inconveniences by the establishment of posts which, while they possessed power to keep the Indians in check, thus doing away with the necessity of constant military vigilance on the part of the traveler by day and night, would be able to furnish them in transit with fresh supplies of provision, diminishing the original burdens of the emigrants and finding thus a ready and profitable market for their produce, a market that would, in my opinion more than suffice to defray all the current expenses of such posts. The present party are supposed to have expended no less than two thousand dollars at Laramie's and Bridger's forts, and as much more at Fort Hall and Fort Boise, two of the Hudson Bay Company's stations. These are at present the only stopping places in a journey of twenty-two hundred miles, and the only places where additional supplies can be obtained, even at the enormous rates of charge called mountain prices, *i. e.* fifty dollars the hundred for flour, and fifty dollars the hundred for coffee, the same for sugar and powder, etc.

Many cases of sickness and some deaths took place among those who accomplished the journey this season, owing in a great measure to the uninterrupted use of much salt and fish with flour, which constitute the chief articles of food they are able to carry in their wagons, and this would be obviated by the vegetable productions which the posts in contemplation could very profitably afford them. Those who rely upon hunting as an auxiliary support, are at present unable to have their arms repaired when out of order; horses and oxen become tender footed and require to be shod on this long journey, sometimes repeatedly, and the wagons repaired in a variety of ways. I mention these as valuable incidents to the proposed measure, as it will also be found to tend in many other incidental ways to benefit the migratory population of the United States choosing to take this direction, and on these accounts, as well as for the immediate use of the posts themselves, they ought to be provided with the necessary shops and mechanics, which would at the same time exhibit the several branches of civilized art to the Indians.

The outlay in the first instance must be but trifling. Forts like those of the Hudson Bay Company, surrounded by walls enclosing all the buildings, and constructed almost entirely of adobe, or sun-dried bricks with stone foundations only, can be easily and cheaply erected. There are very eligible places for as many of these as the Government will find necessary, at suitable distances, not further than one or two hundred miles apart, at the main crossing of the principal streams that now form impediments to the journey, and consequently well supplied with water, having alluvial bottom lands of a rich quality and generally well wooded. If I might be allowed to suggest the best sites for said posts, my personal knowledge and observation enable me to recommend first, the main crossing of the Kansas river, where a ferry would be very convenient to the traveler and profitable to the station having it in charge: Next, and about eighty miles distant, the crossing of Blue river, when in times of unusual freshet, a ferry would in like manner be useful. Next, and distant from one hundred to one hundred and fifty miles from the last mentioned, the Little Blue or Republican fork of the Kansas. Next, and from sixty to one hundred miles distant from the last mentioned, the point of intersection of the Platte river. Next, and from one hundred to one hundred and fifty miles distant from the last mentioned, the crossing of the South Fork of Platte river. Next, and about one hundred and eighty or two hundred miles distant from the last mentioned, Horse Shoe creek, which is about forty miles west of Laramie Fork in the Black Hills. Here is a fine creek for mills and irrigation, good land for cultivation, fine pasturage, timber and stone for building. Other locations may be had along the Platte and Sweetwater, on the Green river or Black's or Ham's fork, on the Bear river near the great soda springs, near Fort Hall and at suitable places down to the Columbia. These localities are all of the best description, so situated as to hold a ready intercourse with the Indians in their passage to and from the ordinary buffalo hunting grounds, and in themselves so well situated in all other respects as to be desirable to private enterprise if the usual advantages of trade existed. Any of the farms above indicated would be extremely valuable in the States.

The Government cannot long overlook the importance of superintending the savages that endanger this line of travel, and that are not yet in treaty with it. Some of these are already well known to be led by desperate white men and mongrels, who form banditti in the most difficult passes, and are at all times ready to cut off some lagging emigrant in the rear of the party, or some adventurous one who may proceed a few miles in advance, or at night to make a descent upon the sleeping camp, and carry away or kill horses and cattle. This is the case even now, in the commencement of our western emigration, and when it comes to be more generally known that large quantities of valuable property and considerable sums of money are yearly carried over this desolate region, it is to be feared an organized banditti will be instituted. The posts in contemplation would effectually counteract this. For that purpose they need not, nor ought not to be military establishments. The trading posts in this country have never been of such a character, and yet, with very few men in them, have for years kept the surrounding Indians in the most pacific disposition, so that the traveler feels secure from molestation upon approaching Fort Laramie, Bridger's Fort, Fort Hall, etc.

The same can be obtained without any considerable expenditure by the Government, while, by investing the officers in charge with competent authority, all evil disposed white men, refugees from justice, or discharged vagabonds from the trading posts might be easily removed from among the Indians and sent to the appropriate states for trial. The Hudson's Bay Company's system of rewards among the savages would soon enable the posts to root out these desperadoes. A direct and friendly intercourse with all the tribes, even to the Pacific, might be thus maintained. The Government would become more intimately acquainted with them and they with the Government, and instead of sending to the state courts a manifestly guilty Indian to be arraigned before a distant tribunal, acquitted for the want of testimony by the technicalities of lawyers and of laws unknown to them, and sent back into this wilderness loaded with presents as an inducement to further crime, the posts should be enabled to execute summary justice as if the criminal had already been condemned by his tribe, because the tribe will be sure to deliver up none but the party whom they know to be guilty. They will in that way receive the trial of their peers, and secure within themselves, to all intents and purposes, if not technically, the trial by jury yet the spirit of that trial. There are many powers which ought to reside in some person on this extended route for the convenience and even necessity of the public.

In this the emigrants and the people of Oregon are no more interested than the resident inhabitants of the States. At present, no person is authorized to administer an oath or legally attest a fact from the western line of Missouri to the Pacific. The emigrant cannot dispose of his proporty at home, although an opportunity ever so advantageous to him should occur after he passes the western border of Missouri, and no one can here make legal demand and protest of a promissory note or bill of exchange. No one can secure the valuable testimony of a mountaineer or of an emigrating witness after he has entered this, at present, lawless country. Causes do exist, and will continually arise in which the private rights of citizens are, and will be seriously prejudiced by such an utter absence of legal authority.

A contraband trade from Mexico, the introduction from that country of liquors to be sold among the Indians west of the Kansas river, is already carried on with the mountain trappers, and very soon the teas, silks, nankins, spices, camphor and opium, of the East Indies will find their way, duty free, through Oregon, across the mountains and into the States, unless custom house officers along this line find an interest in intercepting them.

Your familiarity with the Government policy, duties and interest, render it unnecessary for me to more than hint at the several objects intended by the enclosed bill and any enlargement upon the topics here suggested, as inducements to its adoption, would be quite superfluous, if not impertinent. The very existence of such a system as the one above recommended, suggest the utility of post-office and mail arrangements, which it is the wish of all who now live in Oregon, to have granted to them, and I need only add, that contracts for this purpose, will be readily taken at reasonable rates for transporting the mail across from Missouri, to the mouth of the Columbia in forty days, with fresh horses at each of the contemplated posts.

The ruling policy proposed regards the Indians as the police of the country who are to be relied upon to keep the peace, not only for themselves, but to expel lawless white men and prevent banditti, under the salutary guidance of the superintendents of the several posts, aided by a well directed system of bounty to induce the punishment of crime.

It will be only after a failure by these means to procure the delivery or punishment of violent, lawless and savage acts of aggression, that a band or tribe should be regarded as conspirators against the peace, and punished accordingly by force of arms.

Hoping that these suggestions may meet your approbation, and conduce to the future interest of our growing colony.

I have the honor to be

Your Obt Servant

Marcus Whitman

Title of the Proposed Act.

A bill to promote safe intercourse with the territory of Oregon, to suppress violent acts of aggression on the part of certain Indian tribes west of the Indian territory, Neosha, better to protect the revenue for the transportation of the mail and for other purposes.

Synopsis of the Act.

SECTION 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled*, That from and after the passage of this act, there shall be established at suitable distances and in convenient and proper places, to be selected by the president, a chain of agricultural posts, or farming stations, extending at intervals from the present most usual crossing of the Kansas river west of the western boundary of the State of Missouri, thence ascending the Platte river on its southern border, thence through the valley of the Sweetwater to Fort Hill, and thence to the settlements of the Willamette in the territory of Oregon, which said posts shall have for their object, to set examples of civilized industry to the several Indian tribes, to keep them in proper subjection to the laws of the United States, to suppress violent and lawless acts along the said line of frontier, to facilitate the passage of troops and munitions of war into and out of the said territory of Oregon, and the transportation of the mail as hereinafter provided.

SEC. 2. *And be it further enacted*, That there shall reside at each of the said posts one superintendent, having charge thereof, with full power to carry into effect the provisions of this act, subject always to such instructions as the President may impose. One deputy superintendent to act in like manner in case of the death, removal or absence of the superintendent; and such other artificers and laborers, not exceeding twenty in number, as the said superintendent may deem necessary for the conduct and safety of the said posts, all of whom shall be subject to his appointment and liable to his removal.

SEC. 3. *And be it further enacted*, That it shall be the duty of the President to cause to be erected at each of the said posts suitable buildings for the purposes herein contemplated, to-wit: One main dwelling house, one store house, one blacksmith and gunsmith shop and one carpenter shop, with such and so many other buildings for storing the products and supplies of the said posts as he may, from time to time, deem expedient. To supply the same with all necessary implements of mechanical art and agricultural labor incident thereto, and with all such other articles as he may judge requisite and proper for the safety, defense and comfort thereof.

To cause said posts, in his discretion, to be visited by detachments of troops stationed on the western frontier, to suppress, through the said posts, the sale of munitions of war to the Indian tribes in case of hostilities, and annually to lay before congress at its general session full returns, verified by the oaths of the said several superintendents, of the several acts by them performed, and of the condition of the said posts, with the income and expenditures growing out of the same respectively.

SEC. 4. *And be it further enacted*, That the said superintendents shall be appointed by the President, by and with the advice and consent of the senate, for the term of four years with a salary of $2,000, payable out of any moneys in the treasury not otherwise appropriated. That they shall respectively take an oath before the district judge of the United States for the western district of Missouri, faithfully to discharge the duties imposed on them in and by the provisions of this act, and give a bond to the president of the United States, and to his successor in office and assigns, with sufficient security, to be approved by the said judge, in at least the penality of $25,000, conditioned to indemnify the President, his successors or assigns, for any unlawful acts by them performed, or injuries committed by virtue of their offices, which said bonds may be at any time assigned for prosecution against the said respective superintendents and their sureties, upon application to the said judge at the instance of the United States district attorney, or of any private party aggrieved.

SEC. 5. *And be it further enacted*, That it shall be the duty of said superintendents to cause the soil adjacent to the said posts, in extent not exceeding six hundred and forty acres, to be cultivated in a farmer like manner, and to produce thereon, such articles of culture as in their judgment shall be deemed the most profitable and available for the maintenance of the said posts, for the supply of the troops and other Government agents which may from time to time resort thereto, and to render the products aforesaid adequate to defraying all expenses of labor in and about the said posts, and the salary of the said deputy superintendent without resort to the treasury of the United States, remitting to the secretary of the treasury yearly a sworn statement of the same, with the surplus moneys if any there be.

SEC. 6. *And be it further enacted*, That the said several superintendents of posts shall ex-officio be superintendents of Indian affairs, west of the Indian Territory, Neosho, subordinate to, and under the full control and supervision of the Commissioner General of Indian Affairs at Washington. That they shall by virtue of their offices be conservators of the peace, with full powers to the extent hereinafter prescribed in all cases of crimes and misdemeanor, whether committed by citizens of the United States, or by Indians within the frontier line aforesaid. That they shall have power to administer oath, to be valid in the several courts of the United States, to perpetuate testimony to be used in any of the said courts; to take acknowledgment of deeds and other specialties in writing, to take the probate of wills and testaments executed upon the said frontier, and of which the testators shall have died in-transitu between the State of Missouri and the Territory of Oregon, to do and certify all notarial acts, and to perform the ceremony of marriage with as legal effect, as if the several acts above enumerated, had been performed by the magistrates of any of the States having power to perform the same.

That they shall have the power to arrest and remove from the line aforesaid, all disorderly white persons and all persons, inciting the Indians to hostilities, and to surrender up all fugitives from justice, upon the requisition of the Governor of any of the States; that they shall have power to demand of any of the several tribes within the said frontier line, the surrender of any Indian or Indians, committing acts in contravention of the laws of the United States, and in case of such surrender to inflict punishment thereon, according to the tenor and effect of the said laws without further trial, presuming, such offending Indian or Indians, to have received the trial and condemnation of the tribe to which he or they may belong; to intercept and sieze all articles of contraband trade, whether introduced into their jurisdiction in violation of the acts, imposing duties on imports or of the acts to regulate trade and intercourse with the several Indian tribes, to transmit the same to the marshal of the western district of Missouri, together with the proofs necessary for the confiscation thereof, and in every such case, the superintendent shall be entitled to, and receive one-half of the sale value of the said confiscated articles, and the other half be disposed of, as in like cases arising under the existing revenue laws.

SEC. 7. *And be it further enacted*, That the several superintendents shall have and keep at their respective posts, seals of office for the legal authentication of their public acts herein enumerated and that the said seals shall have as a device, the spread eagle with the words "U. S. Superintendency of the Frontier," engraved thereon.

SEC. 8. *And be it further enacted*, That the said superintendents shall be entitled in addition to the salary herein before granted, to the following perquisites and fees of office to-wit: For the acknowledgment of all deeds and other written specialties, the sum of one dollar; for the administration of all oaths, twenty-five cents; for the authentication of all written instruments, one dollar; for the perpetuation of all testimony to be used in the United States courts, by the folio, fifty cents; for the probate of all wills and testaments, by the folio, fifty cents; for all other writing done by the folio, fifty cents; for solemnizing marriages, two dollars, including the certificate to be given to the parties; for the surrender of fugitives from justice in addition to the necessary costs and expenses of arrest and detention, which shall be verified to the demanding Governor, by the affidavit of the superintendent, ten dollars.

SEC. 9. *And be it further enacted*, That the said superintendents shall by virtue of their offices be postmasters at the several stations, for which they are appointed, and as such, shall be required to facilitate the transportation of the mail in its transit to and from the Territory of Oregon, and the nearest post office within the State of Missouri, subject to all the regulations of the post office department and with all the immunities and privileges of the postmasters in the several States, except that no additional compensation shall be allowed them for such services, and it is hereby made the duty of the Postmaster General to cause proposals to be issued for the transportation of the mail along the line of said posts, to and from the said territory, within six months after the passage of this act.

SEC. 10. *And be it further enacted*, That the sum of —— thousand dollars, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purposes of carrying into effect the several provisions of this act.

[ENDORSEMENT.]

Marcus Whitman, enc. synopsis of a bill, with his views in reference to impot. of the Oregon Terry. War 382. Rec. June 22, '44.

Signature of Dr. Whitman.

WAR DEPARTMENT,
Washington, March 3, 1892.

SIR: The department is in receipt of your letter of the 22d ultimo, requesting to be furnished with a tracing of the signature of Dr. Marcus Whitman for use in your forthcoming history of the State of Oregon, and in response thereto, please find inclosed a copy of the signature taken from the letter of Dr. Whitman, without date, but received at the War Department, on June 22d, 1844.

With reference to your request to be advised whether any information is of record, showing the presence of Dr. Whitman at the War Department in the winter of 1843 and 44, it is remarked that no record is found of his calling at the department, other than that given in the opening paragraph of the letter above referred to, a copy of which you state is now in your possession.

Very respectfully,
S. B. ELKINS,
Secretary of War.

J. HENRY BROWN, ESQ.,
Portland, Oregon.

(Tracing of signature herewith).

Mr. Benton's Prediction

Extract from a speech delivered in St. Louis, Oct. 19, 1844.

"I say the man is alive, full grown, and is listening to what I say (without believing it perhaps,) who will yet see the Asiatic commerce traversing the north Pacific ocean—entering the Oregon river—climbing the western slope of the Rocky mountains—issuing from its gorges—and spreading its fertilizing streams over our wide-extended union! The steamboat and the steam-car have not exhausted all their wonders. They have not yet found their amplest and most appropriate theatres—the tranquil surface of the North Pacific ocean, and the vast inclined plains which spread east and west from the base of the Rocky mountains. The magic boat, and the flying car, are not yet seen upon this ocean, and upon this plain, but they will be seen there; and St. Louis is yet to find herself as near Canton, as she is now to London, with a better and safer route, by land and sea, to China and Japan, than she now has to France and Great Britain."

NOTES.—Hon. I. L. Babcock resigned as Supreme Judge, Nov. 11, 1844.

The emigration of 1844, numbered 475.

Election Returns, May 14, 1844.

CANDIDATES FOR OFFICE.	Klakamus*	Tualatin	Champoic	Totals
For Executive Committee—				
P. G. Stewart	41	15	84	140
O. Russell	40	22	182	244
Alanson Beers	21	10	18	49
Jesse Applegate	11	--	--	11
P. H. Burnett	10	--	--	10
Hugh Burns	6	--	--	6
David Hill	6	--	--	6
W. J. Bailey	3	--	67	70
Wm. Daugherty	3	23	--	26
A. L. Lovejoy	2	--	--	2
Robert Newell	2	10	--	12
A. J. Hembree	1	--	--	1
Wm. Geiger	--	7	--	7
C. Spencer	--	7	--	7
Territorial Recorder or Clerk—				
Dr. J. E. Long	33	26	14	73
O. Johnson	24	--	--	24
C. M. Walker	8	--	--	8
J. G. Campbell	1	--	--	1
A. E. Wilson	--	2	--	2
F. X. Mathieu	--	--	65	65
Supreme Court Judge—				
I. L. Babcock	--	--	88	88
J. W. Nesmith	39	--	--	39
P. H. Burnett	16	--	--	16
P. C. Stewart	2	--	--	2
O. Russell	4	1	--	5
O. Johnson	..	2	--	2
Territorial Treasurer—				
Phil. Foster	40	..	8	48
Ninevah Ford	4	6	..	10
P. H. Hatch	4	--	--	4
A. E. Wilson	2	--	--	2
J. E. Long	1	--	--	1
W. C. Remick	1	..	--	1
Sheriff—				
Joseph L. Meek	64	--	79	143
B. Harragus	2	--	--	2
Wm. Holmes	1	--	--	1
Legislative Committee—				
M. Gilmore	--	27	..	27
P. H. Burnett	--	32	--	32
David Hill	--	24	--	24
M. M. McCarver	--	20	--	20
W. T. Perry	--	8	--	8
T. D. Keizer	--	--	67	67
Daniel Waldo	--	--	75	75
R. Newell	--	--	75	75
W. H. Gray	--	--	20	20
W. J. Bailey	--	--	11	11
T. C. Cason	--	--	18	18

*No returns from Klakamus District for Legislative Committee.

Treasurer's Report.[1]

Amount of money received	$81 50
" " paid out	91 50
Present Liabilities,	
Due on Geo. W. Le Breton's draft	9 00
Commission on $81 50 at 5 per cent	4 07
Total	$94 57
Amount received	81 50
Total due	$13 07

W. H. WILLSON, Treasurer, O. T., 1844.

Legislative Committee report on Treasurer's report. 1844.

	Dr.	Cr.
To copying laws, &c. by Geo. W. Le Breton	$ 90 00	
To books purchased of J. A. O'Neil	10 00	
To delivery of same	5 00	
Total	$105 00	
By subscription paid		81 50
Amount due on account rendered		23 50
Total		$105 00

Salaries of Officers.

Members of Executive Committee per annum	$100 00
" " Legislative Committee per diem	2 00
Assessor per diem	2 00

Appropriations.

Pay of legislature	$100 00
" assessor, (1844)	60 00
" sheriff	111 96
" secretary	96 00
" jurries	30 00
" circuit attorney (A. L. Lovejoy)	50 00
" rent legislative hall (J. E. Long)	20 00
" keeping lunatics or insane	500 00
Total	$967 96

Treasurer's Report.

Received of collector of taxes	$313 13
" for licenses, two ferries	40 00
" " fine	5 00
Total	$358 31

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[1] There was no date attached to this report, except the year, but it evidently was made at the May meeting of the Legislative Committee of 1844.

Expended for stationery	$ 20 38
F. Hathaway, rent of house	15 00
Judge Babcock's salary	60 00
Services of Secretary in house	20 00
Total	$115 38
Balance in treasury	$242 93

(Signed) PHILIP FOSTER, Treasurer.

Dec. 18, 1844.

1845.

ELECTION OF GOVERNOR AND OTHER OFFICERS; MEETING OF THE LEGISLATIVE COMMITTEE; MEMORIAL TO CONGRESS; COPY OF SAME TO BE SENT EAST BY DR. WHITE; AMENDED ORGANIC LAW; SECOND SESSION OF THE LEGISLATURE; APPLEGATE'S RESOLUTION; PROTEST AGAINST; PILOT LAUNCH; LAW AGAINST DUELLING; COMPLIMENTARY RESOLUTIONS TO DR. WHITE; VOTE RESCINDED AND DR. WHITE REQUESTED TO RETURN THE PAPERS; HIS REPLY; MR. APPLEGATE'S RESOLUTION; CONGRESSIONAL—PRESIDENT'S MESSAGE; DIPLOMATICAL CORRESPONDENCE—MR. FOX TO MR. WEBSTER—ABERDEEN'S NOTE; WEBSTER TO FOX; PAKENHAM TO UPSHUR; REPLY OF UPSHUR; PAKENHAM TO CALHOUN; PROTOCOLS; BRITISH PROPOSALS; PAKENHAM AND BUCHANAN LETTERS; NOTES—ELECTION RETURNS AND REPORTS.

THE year 1845 opened with considerable political activity in the country. Public meetings were held in the different districts and nominations made for members of the Legislative Committee, while delegates were sent to a convention to meet at Champœg to nominate candidates for Governor, Supreme Judge, and Territorial Recorder. The most prominent candidates for governor, were A. Lawrence Lovejoy, George Abernethy, Osborn Russell and Dr. Wm. J. Bailey. The contest resulted in the nomination of Mr. Lovejoy for Governor; James W. Nesmith for Supreme Judge and Dr. John E. Long, for Territorial Recorder. The nomination of Lovejoy was so distasteful to Russell's friends, that they combined with the adherents of Abernethy, and elected the latter by a majority of 98 in a vote of 504 cast.

For the office of Territorial Treasurer, Philip Foster was nominated, but was defeated by Francis Ermatinger, a clerk of the Hudson's Bay Company, by a majority of 54 out of a vote cast of 448. Mr. Ermatinger receiving the solid vote of the French. Mr. Foster attempted to contest this election at the next session of the Legislature, which met August 5, 1845, at Oregon City, but failed.

The officers and members of the Legislature elected at this June election were: Governor, George Abernethy; Territorial Recorder, Dr. J. E. Long; Territorial Treasurer, Francis Ermatinger; Supreme

Judge, J. W. Nesmith; Attorney, Marcus Ford; Sheriff, Joseph L. Meek; Legislative members, for *Clackamas county*, H. A. G. Lee, W. H. Gray and H. Straight; *Champoeg*, R. Newell, J. M. Garrison, M. G. Foisy and Barton Lee; *Tualatin*, M. M. McCarver, J. W. Smith and David Hill; *Yamhill*, Jesse Applegate and A. Hendrick; *Clatsop*, John McClure.

The following certificate I print as written for the first governor elected in Oregon:

To Mr. George Abernethy of Klackamas county, greeting:

SIR:—I have the honor to inform you, that at an election held in Oregon, on the 3d day of June, 1845, you were duly elected by the legal voters, to fill the office of Executive of Oregon. I have the honor to remain sir,

Dated at Oregon City, Your most obedient servant,

12th June, 1845. J. E. LONG, *Clerk.*[1]

The Legislative Committee met at Oregon City, June 24, 1845, and after temporary organization by calling R. Newell to the chair, Mr. Applegate introduced the following dual oath for the purpose of propitiating the English element of the members, which was adopted:

> "I do solemnly swear that I will support the Organic laws of the Provisional Government of Oregon, so far as the said organic laws are consistent with my duties as a citizen of the United States, or a subject of Great Britain, and faithfully demean myself in office, so help me God."

Mr. McCarver was duly elected speaker, and a committee of three was appointed to wait upon the Executive Committee for any communication that they should desire to make. The committee sent a message, which unfortunately was lost and cannot now be found.

A committee of five, consisting of Messrs. Gray, Applegate, H. A. G. Lee, McClure and Hill, was appointed to draft a memorial and petition to be forwarded to the Congress of the United States, setting forth the condition, situation, relation and wants of this country.

The Executive Committee recommended in their message a revision of the Organic law, and it was referred to the following select committee, Messrs. H. A. G. Lee, Newell, Applegate, Smith and McClure.

The committee on memorial presented the following, and a resolution was passed that the Executive Committee and Circuit Judge sign the same, their signatures to be followed by those of the Legislative Committee, and the same be immediately sent to the Senate and House of Representatives.

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[1] Election and official reports at end of chapter.

Memorial to Congress.

The following memorial to congress, was drawn up by legislative committee in session at Oregon City, June 28, 1845, and taken to Washington City by Dr. Elijah White, United States Indian agent, and presented to the United States senate by Hon. Thos. H. Benton, senator from Missouri on December 8, 1845:

Mr. Benton rose for the purpose of presenting to the senate a paper from Dr. White, who occupied the position of Indian agent for the tribes occupying the territory of Oregon west of the Rocky mountains. This gentleman had, for the last half dozen years, been employed on that side of the Rocky mountains, and the paper which he now desired to present accompanied a petition from the American citizens inhabiting the Oregon territory. These petitioners stated that for the preservation of order they had, among themselves, established a provisional and temporary Government, subject to the ratification of the United States Government. The petition set forth in strong and respectful language, arguments why the citizens residing in that section of country should be protected for the purpose of preserving order. The memorial was drawn up in a manner creditable to the body by which it was presented, to the talents by which it was dictated, and to the patriotic sentiments which pervaded it; and the application was worthy of a favorable consideration for its moderation, reasonableness and justice. As the best means of spreading the contents of this petition before the country, and doing honor to the ability and enterprise of those who had presented it, he moved that it be read at the bar of the senate.

The petition was read.

Mr. Benton then moved to print the petition, which motion was agreed to.—*Congressional Globe, December 8, 1845.*

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress Assembled:—

Your memorialists and petitioners, the representatives of the people of Oregon for themselves, and in behalf of the citizens of the United States residing in this territory, would respectfully submit to the consideration of your honorable body some of the grievances under which we labor, and pray your favorable consideration of our petition for their remedies.

Without dilating upon the great importance of this territory as an appendage to the Federal Union, or consuming your valuable time in repeating to you the oft-repeated account of our agricultural and commercial advantages, we would, with due diffidence, submit to your serious consideration our peculiar difficulties as occupants of this territory. As, by treaty stipulations between the Government of the United States and Great Britain, this territory has become a kind of neutral ground, in the occupancy of which the citizens of the United States and the subjects of Great Britain have equal rights, and, as your memorialists humbly conceive, ought to have equal protection; such being the fact, the population of the territory, though promiscuously interspersed, is composed of the subjects of a crown and the citizens of a republic, between whom no common bond of union exists.

It may naturally be supposed, in the absence of any provision having been made by the two Governments to prevent or settle any such occurrences, that conflicting interests, aided by ancient prejudices, would speedily lead to results the most disastrous, particularly when it is considered that this mixed population exists in the midst of numerous warlike tribes of Indians, to whom the smallest dissensions among the white inhabitants would be the signal to let loose upon their defenseless families all the horrors of savage warfare.

To prevent a calamity so much to be dreaded, the well-disposed inhabitants of this territory have found it absolutely necessary to establish a provisional and temporary Government, embracing all free male citizens; and whose executive, legislative and judicial powers should be equal to all the exigencies that may arise among themselves, not provided for by the Government to which they owe allegiance. And we are most happy to inform your honorable body that, with but few individual exceptions, the utmost harmony and good will has been the result of this, as we conceive, wise and judicious measure; and the British subjects and American citizens vie with each other in their obedience and respect to the laws, and in promoting the common good and general welfare of Oregon.

Although such has been the result, thus far, of our temporary union interests—though we, the citizens of the United States, have had no cause to complain, either of exactions or oppression at the hands of the subjects of Great Britain, but, on the contrary, it is but just to say that their conduct towards us has been most friendly, liberal and philanthropic; yet we fear a long continuance of the present state of things is not to be expected—our temporary Government being limited in its efficiency and crippled in its powers by the paramount duty we owe to our respective Governments—our revenue being inadequate to its support, and the almost total absence, apart from the Hudson's Bay Company, of the means of defense against the Indians, which, recent occurrences lead us to fear, entertain hostile feelings towards the people of the United States.

Your memorialists would further inform your honorable body that, while the subjects of Great Britain, through the agency of the Hudson's Bay Company, are amply provided with all the munitions of war, and can afford, by means of their numerous fortifications, ample protection for themselves and their property, the citizens of the United States are scattered over a wide extent of territory, without a single place of refuge, and, within themselves, are almost destitute of the means of defense.

Your memorialists would further crave your indulgence to remark, that Great Britain has, by extending her criminal code to this country, guaranteed every British subject claiming his birth-right, a legitimate trial by the laws of his country. We, as citizens of the United States, having neither the military protection of our Government, nor the extension to us of the civil laws of our country, are forced to the enactment and execution of laws not authorized, and for what we know, never will be sanctioned by our Government.

Your memorialists would further call the attention of your honorable body to the fact that, as citizens of the United States, we labor under the greatest commercial disadvantages; we have neither ships of war nor of commerce, nor any navigation of the rivers of the interior; and for want of adequate protection, no private capitalists among us can establish a successful competition with a wealthy and powerful monopoly, possessing all the appliances of commerce, and all the influence over the natives by an early establishment among them. We are, therefore, dependent for a market for a large and increasing surplus, and for nearly all our supplies, upon a single company, which holds the market under its control.

Your memorialists, with a view to remedy the grievances under which they labor, pray the national congress to establish a district territorial Government, to embrace Oregon and its adjacent sea coast.

We pray for adequate means of protection from the numerous Indian tribes which surround us; for the purchase of territories which they are willing to sell, and for agents, with authority to regulate intercourse between whites and Indians and between Indian tribes.

That donations of land may be made according to the inducements held out to us by the passage of a bill through the United States senate, at the second session of the twenty-seventh congress, entitled: "A bill to authorize the adoption of measures for the occupation and settlement of the territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes."

That navy yards and marine depots may be established on the river Columbia, and upon Puget's sound, and a naval force adequate to our protection be kept permanently in the adjacent seas.

That a public mail be established, to arrive and depart monthly from Oregon City and Independence, and such other local mail routes be established as are essential to the Willamette country and other settlements.

We pray for the establishment of such commercial regulations as may enable us to trade in our own territory, at least on an equality with non-resident foreigners.

We pray that adequate military protection be given to emigrants coming to us, either by establishment of posts on the route, or by military escort.

And we pray that in the event you deem it inexpedient as a measure, or contrary to the spirit of existing treaties, to establish a territorial Government in Oregon, that you extend to us adequate military and naval protection, so as to place us at least upon a par with other occupants of this country.

For the granting of which your memorialists will ever pray.

Signed:
OSBORN RUSSELL,
PETER G. STEWART,
Executive Committee.

J. W. NESMITH,
Judge of Circuit Court.

M. M. McCarver, *Speaker*, Jesse Applegate, Medad G. Foisy,
W. H. Gray, John M. Garrison, Abijah Hendrick,
David Hill, H. A. G. Lee, Barton Lee,
John McClure, Robert Newell, J. W. Smith,
Hiram Straight,
Members of Legislative Committee.

Done at Oregon City, June 28, 1845.

Attest:
J. E. LONG,
Clerk.

Mr. Garrison introduced the following resolution which were referred to the committee of the whole and never were acted upon:

Resolved, That whereas the people of Oregon assembled *en masse* did, on the 2d day of May, 1843, resolve that no tax should be levied upon the people, confirming the same by the adoption of the report of the committee of ways and means, adopted by the legislative committee, and referred to the people *en masse*, and by them enacted on the 5th day of July, 1843, therefore,

Resolved, That this house has no right to levy a tax of any kind, without the consent of the free voters of this territory previously obtained.

Resolved, That all acts and parts of acts on that subject, passed by the legislative committee, were contrary to the expressed resolution and action of the people.

On motion of Mr. Lee, it was resolved that the clerk be required to furnish Dr. E. White a copy of the memorial to congress, as soon as it shall be properly signed as per resolution of the preceding day.

This created some discussion, which culminated in considerable ill feeling, as will be shown later on.

Mr. Garrison introduced the following, which was referred to the committee of the whole, but never acted upon.

Resolved, That this Government can recognize the right of one person to the service of another only upon *bona fide* contract, made and entered into, and equally binding on both parties.

On the last day of the session, Mr. Applegate introduced the same resolution, which passed by the following vote: Yeas—Messrs. Applegate, Gray, Smith, McCarver, Garrison, Hill, Newell, H. Lee, Hendricks and Foisy—10. Nays—Messrs. Straight, B. Lee and McClure—3.

The amended organic law was adopted unanimously and submitted for ratification by the people July 26, 1845, and adopted by a majority of 203.

The legislative committee then adjourned to meet August 5, 1845, at the same place.

Organic Law of the Provisional Government of Oregon.

We, the people of Oregon territory, for the purpose of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations until such time as the United States of America extend their jurisdiction over us:

Be it enacted, therefore, by the citizens of Oregon territory, That the said territory, for the purposes of temporary Government, be divided into not less than three nor more than five districts, subject to be extended to a greater number when an increase of population shall require; for the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of Government that may hereafter be adopted.

Be it enacted, That the following articles be considered articles of compact among the free citizens of this territory:

ARTICLE I.

SECTION 1. No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments.

SEC. 2. The inhabitants of said territory shall always be entitled to the benefits of the writ of habeas corpus and trial by jury, of a proportionate representation of the people in the legislature, and of judicial proceedings, according to the course of common law. All persons shall be bailable, unless for capital offenses where the proof shall be evident, or the presumption great. All fines shall be moderate, and no cruel or unusual punishments inflicted. No man shall be deprived of his liberty but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force in said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide* and without fraud previously formed.

SEC. 3. Religion, morality and knowledge being necessary to good Government, and the happiness of mankind, schools and the means of education shall be forever encouraged, The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars, authorized by the representatives of the people; but laws founded in justice and humanity shall, from time to time, be made for preventing injustice being done to them, and for preserving peace and friendship with them.

SEC. 4. There shall be neither slavery nor involuntary servitude in said territory, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

SEC. 5. No person shall be deprived of the right of bearing arms in his own defense; no unreasonable searches or seizures shall be granted; the freedom of the press shall not be restrained; no person shall be twice tried for the same offense; nor the people deprived of the right of peaceably assembling and discussing any matter they may think proper; nor shall the right of petition ever be denied.

SEC. 6. The powers of the Government shall be divided into three distinct departments; the legislative, executive, and judicial; and no person belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in cases herein directed or permitted.

ARTICLE II.

SECTION 1. The legislative power shall be vested in a house of representatives, which shall consist of not less than thirteen, nor more than sixty-one members, whose numbers shall not be increased more than five at any one session, to be elected by the qualified electors at the annual election, giving to each district a representation in the ratio of its population (excluding Indians), and the said members shall reside in the district, for which they shall be chosen; and in case of vacancy by death, resignation or otherwise, the Executive shall issue his writ to the district where such vacancy has occurred, and cause a new election to be held, giving sufficient notice, at least ten days previously, of the time and place of holding said election.

SEC. 2. The house of representatives, when assembled, shall choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournment from day to day. Two-thirds of the house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

SEC. 3. The house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offense, and shall have all powers necessary for a legislature of a temporary government, not in contravention with the restrictions imposed in this Organic law.

SEC. 4. The house of representatives shall, from time to time, fix the salaries of the different officers appointed or elected under this compact, *provided* the pay of no officer shall be altered during the term of his service; nor shall the pay of the house be increased by any law taking effect during the session at which such alteration is made.

SEC. 5. The house of representatives shall have the sole power of impeaching; three-fourths of all the members must concur in an impeachment. The governor and all civil officers under these articles of compact, shall be liable to impeachment for treason, bribery or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this compact; but the party convicted may be dealt with according to law.

SEC. 6. The house of representatives shall have power to lay out the territory into suitable districts, and apportion the representation in their body. They shall have power to pass laws for raising a revenue, either by levying and collecting taxes, or the imposing of license on merchandise, ferries or other objects,—to open roads and canals, either by the levying a road tax, or the chartering of companies,—to regulate the intercourse of the people with the Indian tribes,—to establish post offices and post roads,—to declare war, suppress insurrection or repel invasion,—to provide for the organizing, arming and disciplining the militia, and the calling forth the militia to execute the laws of Oregon,—to pass laws of Oregon,—to pass laws to regulate the introduction, manufacture or sale of ardent spirits,—to regulate the currency and internal police of the country; to create inferior tribunals and inferior officers necessary, and not provided for by these articles of compact, and generally to pass such laws to promote the general welfare of the people of Oregon, not contrary to the spirit of this instrument,—and all powers not contrary to the spirit of this instrument,—and all powers not hereby expressly delegated, remain with the people. The house of representatives shall convene annually on the first Tuesday in December, at such place as may be provided by law, and shall, upon the first meeting after the adoption of this instrument of compact, proceed to elect and define the duties of a Secretary, Recorder, Treasurer, Auditor, Marshal or any other officers necessary to carry into effect the provisions of this compact.

SEC. 7. The executive power shall be vested in one person, elected by the qualified voters at the annual election, who shall have power to fill vacancies, to remit fines and forfeitures, to grant pardons and reprieves for offenses against the laws of the Territory, to call out the military force of the Territory to repel invasion or suppress insurrection, to take care that the laws are faithfully executed, and to recommend such laws as he may consider necessary, to the representatives of the people for their action. Every bill which shall have been passed by the house of representatives, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house, and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill; if, after such reconsideration, a majority of two-thirds of the house shall agree to pass the same, it shall become a law. In such cases, the vote shall be taken by ayes and noes, and be entered upon the journals. If any bill shall not be returned by the Governor to the house of representatives within three days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if the Governor had signed it, unless the house of representatives, by its adjournment shall prevent its return, in which case it shall not become a law. The Governor shall continue in office two years, and until his successor is duly elected and qualified; and in case of the office becoming vacant by death, resignation or otherwise, the Secretary shall exercise the duties of the office until the vacancy shall be filled by election. The Governor shall receive the sum of —— dollars per annum, as full compensation for his services, which sum may be increased or diminished at any time by law, *provided*, the salary of no Governor shall be altered during his term of service. The Governor shall have power to convene the legislature on extraordinary occasions.

SEC. 8. The judicial power shall be vested in a Supreme Court, and such inferior courts of law, equity and arbitration, as may by law, from time to time be established. The supreme court shall consist of one judge, who shall be elected by the house of representatives, and hold his office for four years, and until his successor is duly elected and qualified. The supreme court, except in cases otherwise directed by this compact, shall have appellate jurisdiction only, which shall be coextensive with the territory, and shall hold two sessions annually, beginning on the first Mondays of June and September, and at such places as by the law directed. The supreme court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other remedial writs, and hear and determine the same. The supreme court shall have power to decide upon and annul any laws contrary to the provisions of these articles of compact, and whenever called upon by the house of representatives, the supreme judge shall give his opinion, touching the validity of any pending measure. The house of representatives may, hereafter, provide by law for the supreme court having original jurisdiction in criminal cases.

SEC. 9. All officers under this compact shall take an oath as follows to-wit: I do solemnly swear that I will support the organic laws of the provisional Government of Oregon, so far as said organic laws are consistent with my duties as a citizen of the United States, or a subject of Great Britain,[1] and faithfully demean myself in office, so help me, God.

SEC. 10. Every free male descendant of a white man, inhabitant of this territory, of the age of twenty-one years and upwards, who shall have been an inhabitant of this territory at the time of its organization, shall be entitled to vote at the election of officers, civil and military, and be eligible to any office in the territory; *Provided*, that all persons of the description entitled to vote by the provisions of this section, who shall emigrate to this territory after organization, shall be entitled to the right of citizens, after having resided six months in the territory.

SEC. 11. The election for all civil officers, provided for by this compact, shall be held the first Monday in June annually.

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[1] This is the same oath, on motion of Mr. Applegate, that was administered to the members of the legislative committee, June 24, 1845, and afterwards incorporated in the organic law, he being one of the committee on revision. The cause of this was, that at that time, Oregon was under joint occupancy of American citizens and subjects of Great Britain, and the Provisional Government was organized and maintained by both nationalities, and that was the cause of the dual oath being adopted.

ARTICLE III.

SECTION 1. Any person now holding, or hereafter wishing to establish a claim to land in this territory, shall designate the extent of his claim by natural boundaries, or by marks at the corners and upon the line of such claim, and have the extent and boundaries of said claim recorded in the office of the territorial recorder, in a book to be kept by him for that purpose, within twenty days from the time of making such claim; *Provided*, that those who shall be already in possession of land, shall be allowed twelve months from the passage of this act, to file a description of his claim in the recorder's office; and the size, shape and locality of such claim, and give the names of the adjoining claimants, and the recorder may require the applicant for such record to be made, to answer on his oath touching the facts.

SEC. 2. All claimants shall, within six months from the time of recording their claims, make permanent improvements upon the same by building or enclosing, and also become an occupant upon said claim within one year from the date of such record, or in case not occupied, the person holding said claim shall pay into the treasury the sum of five dollars annually, and in case of failure to occupy, or on failure of payment of the sum above stated, the claim shall be considered as abandoned; *Provided*, that no non-resident of this territory shall have the benefit of this law; and, *provided, further*, that any resident of this territory absent on his private business for two years, may hold his claim by paying five dollars annually to the treasury.

SEC. 3. No individual shall be allowed to hold a claim of more than one square mile, or six hundred and forty acres, in a square or oblong form, according to the natural situation of the premises. Nor shall any individual be allowed to hold more than one claim at the same time. Any person complying with the provisions of these ordinances shall be entitled to the same recourse against trespass as in other cases by law provided.

SEC. 4. Partnership of two or more persons shall be allowed to take up a tract of land, not exceeding six hundred and forty acres to each person in said partnership, subject to all the provisions of the laws, and whenever such partnership is dissolved, the members shall each record the particular parts of said tract as may be allotted to him; *Provided*, that no member of said partnership shall hold a separate claim at the time of the existence of said partnership.

SEC. 5. The boundary lines of all claims shall hereafter conform as near as may be to the cardinal points.

SEC. 6. The officers elected at the general election, held on the first Tuesday in June, 1845, shall be the officers to act under this organic law, and their official acts, so far as they are in accordance with this compact, are hereby declared valid and legal.

SEC. 7. Amendments to this instrument may be proposed by the house of representatives, two-thirds of the members concurring therein, which amendments shall be made public in all parts of Oregon, and be read at the polls at the next succeeding general election, and a concurrence of two thirds of all the members elected at said election, may pass said amendments, and they shall become a part of this compact.

I, John E. Long, secretary of Oregon territory, do hereby certify that the foregoing is a true and correct copy of the original law as passed by the representatives of the people of Oregon, on the 5th day of July, A. D. 1845, and submitted to the people on the 26th day of the same month, and by them adopted and now on file in my office.

J. E. LONG, *Secretary.*

The following certificate was filed by the secretary of the territory with the governor, as required by law, after a full canvass of the vote.

SECRETARY'S OFFICE, OREGON CITY, August 23, 1845

To his Excellency, Geo. Abernethy, Governor of Oregon :—

SIR : I have the honor to inform you that the amended organic laws of Oregon territory were submitted to the people at a general election, held on the last Saturday in July, 1845, and by them adopted. Said organic laws have, therefore, become the supreme law of the land.

I am, dear sir, with respect, your obedient servant,

J. E. LONG, *Secretary.*

The legislative committee met pursuant to adjournment, at Oregon City, August 5, 1845, all the members present except Mr. Hendricks.

Mr. McCarver was called to the chair, and Mr. Gray was elected speaker, but Mr. McCarver claimed that he was still speaker as it was an adjourned session. On motion of Mr. Applegate it was resolved that Mr. McCarver be requested to resign his seat as speaker.

The next day the vote electing Gray and the vote requesting McCarver to resign was reconsidered.

A message was received at that time from the governor, George Abernethy, but cannot be found in the archives.

Mr. Applegate introduced the following resolutions which were referred to the committee of the whole.

Resolved, That the people of Oregon are not, in the opinion of this house, morally or legally bound by any acts of the officers, or agents of the people, not expressly authorized or sanctioned by the instrument, in virtue of which they had their official existence.

Resolved further, That this house cannot assume, in behalf of the people, the payment of any debt, or the refunding of any funds, borrowed or otherwise unlawfully contracted or obtained, without first obtaining the consent of the people.

After some debate the above was adopted. Yeas—Messrs. Applegate, Garrison, Hendricks, Hill, H. Lee, B. Lee, McClure and Smith—8. Nays—Messrs. Foisy, Gray, Straight, and Speaker—4. Mr. Newell being excused.

Leave was granted to any member to protest, and the following was filed :

WHEREAS, A resolution with a preamble, containing a direct and positive censure upon the proceedings of the Oregon Government, was introduced into this house by Jesse Applegate, asserting that this house, and the people of Oregon, are not morally or legally, bound for any act of said Government, to the payment of any debts contracted, or unlawfully borrowed, except they had previously obtained the consent of the people. And,

WHEREAS, From the wording of said resolution, two constructions may be placed upon it, the same amounting to a repudiation of all debts heretofore contracted, or money borrowed; the other implying a want of confidence in the agents and officers of this Government; therefore,

We, the undersigned, decidedly and solemnly protest against the adoption of any such resolutions or expressions by this house, as they not only do no good, but tend to great evil, in destroying the confidence of the people in the agents and officers of this Government without sufficient cause.

Dated, Oregon City, August 7, 1845.

Signed:

W. H. GRAY,
M. G. FOISY,
H. STRAIGHT.

When Captain Wilkes, of the United States Navy, who commanded the exploring expedition, left Oregon, he put a launch in charge of Dr. McLoughlin to be used as a pilot boat at the mouth of the Columbia river, and the legislative committee applied to him to have it turned over to the provisional Government, to be used for the purpose intended. This, Dr. McLoughlin refused to do, claiming that he had no authority to surrender it except to some United States officer. Therefore it was allowed to remain in his care until Lieutenant Howison, of the United States navy, took charge of it and sold it to private parties.

On the sixth day of the session (August 11th), Mr. Applegate rushed into the house under considerable excitement, and moved that the rules be suspended to allow him to introduce a bill to prevent duelling. The bill was read once for information, and twice by title, then passed, and ordered forwarded to the executive forthwith for approval. The speaker appointed Mr. P. G. Stewart special messenger for that purpose. The bill was returned to the house, with the approval of the executive, and in less than an hour after its introduction it became a law. The cause of the extraordinary haste was that Dr. E. White had been slandering Samuel Holderness, who had expressed his intention of calling the doctor to account on the field of honor, and the latter had implored Mr. Applegate to introduce and rush the bill through, which purpose was accomplished to his great relief, as he was not celebrated for his courage.

A bill was passed creating a supreme court, the salaries were, first year, $200; second, $300; third, $400; fourth, $500.

Dr. White who had been making some explorations in the country, keeping a journal of the same, presented the record to the house which received it with a vote of thanks and ordered it printed. He was also invited to address that body on the subject, which he did, and succeeded in convincing himself at least that he had materially benefited Oregon in keeping the Indians quiet and assisting in finding passes across the Cascade mountains.

Mr. Applegate presented to the house several official documents belonging to Dr. White, which were read, then Mr. Applegate introduced the following:

Resolved, That, whereas the adoption of the amended organic law by the people of Oregon, was an act of necessity rather than choice, and was intended to give to the people the protection which, of right, should be extended to them by their Government; and not as an act of defiance or disregard of the authority or laws of the United States; therefore,

Be it further resolved, 1st. That, in the opinion of this house, the Congress of the United States, in establishing a Territorial government, should legalize the acts of the people in this country, so far as they are in accordance with the constitution of the United States.

2d. That Dr. Elijah White, sub-Indian agent of Oregon, be requested to furnish a copy of the amended organic law to congress of the United States.

3d. That these resolutions be endorsed on said copy, with the vote of this house adopting the same.

The above were adopted unanimously, but afterwards changed so that the members should not sign them. Mr. Speaker McCarver determined that he would sign the same, which he did and they were attested to by J. E. Long as Clerk, without the knowledge of the house. Dr. White determined to ride the free horse as much as possible, so prevailed upon Dr. Newell to introduce the following:

Resolved, That this house reecommend to the favorable consideration of the Congress of the United States, the just claims of Dr. E. White, sub-Indian Agent, for a remuneration for the heavy expenses by him incurred, in attempting to discover a southern passage through the Cascade mountains.

This resolution was adopted, yeas, 8, ; nays, 5. As soon as possible, Dr. White obtained possession of all these documents and hied himself to the States by the way of Vancouver. He told Mr. Garrison that Messrs. McCarver and Long had signed all the papers in their official capacity, and that he had destroyed all the private letters confided to his care. This created a perfect tempest, and the next day, Mr. Barton Lee introduced the following:

Resolved, That M. M. McCarver has been opposed to the organic law, as adopted by the people of Oregon; and, contrary to the voice of this house in regular session, clandestinely, and in a manner unworthy of confidence reposed in him, placed his name to a copy of those laws transmitted to the United States, thereby conveying a false impression; and did, also sign his name to two resolutions, contrary to a direct vote of this house; therefore,

It is further resolved, That we disapprove of the course he has pursued, and feel ourselves under the humiliating necessity of signifying the same to the United States Government, by causing a copy of this resolution to accompany these documents.

Which resolution was referred to a committee of the whole. After a thorough overhauling, Mr. McCarver was allowed to speak in his own defense, and the resolutions were laid on the table. But the matter was not allowed to drop, as in the evening session, Mr. Applegate introduced the following, which was adopted:

Resolved, That, whereas a copy of the organic laws of Oregon, together with some resolutions, intended to be sent to the United States, have not been attested and despatched according to the directions of this house; therefore,

Resolved, That the clerk despatch for them a messenger, to Vancouver, with authority to bring said documents back, and that he deliver them to the secretary, and that the expenses incurred be paid by the members of this house, who voted for the resolutions.

The next day, on motion of Mr. McClure, it was

Resolved, That, whereas the speaker of this house has signed certain documents, ordered to be sent to the United States, by a vote of this legislature, from a mistaken sense of duty, and not from contumacy or contempt for the house; therefore,

Resolved, That M. M. McCarver, said speaker, have leave of absence, for the purpose of following Dr. E. White to Vancouver, and this house enjoins that said speaker erase his name from said documents; to-wit: the organic law and two resolutions in favor of Dr. E. White.

On motion of Mr. Applegate, it was

Resolved, That it was not the intention of this house, in passing resolutions in favor of Dr. E. White, to recommend him to the Government of the United States as a suitable person to fill any office in this territory; and,

Be it further resolved, That the clerk of this house forward by some suitable person, an attested copy of this resolution, to the United States Government.

The house then appointed Mr. Garrison speaker *pro tem*.

Mr. McCarver immediately left the house, but ascertaining that the clerk's messenger had already gone, in the afternoon session prevailed upon Mr. Smith who introduced the following:

Resolved, That the vote requiring the speaker to go in quest of Dr. E. White, for the purpose of erasing his name from certain documents in his possession, to be by him conveyed to the United States, be reconsidered, and the speaker be restored to the chair.

By return messenger was received a letter from Dr. White that might be considered a "corker" for impudence:

TO THE HON., &c. AUGUST 17, 1845.

GENTLEMEN:—Being on my way, and having but a moment to reflect, I have been at much of a loss which of your two resolutions most to respect or which to obey, but at length have become satisfied that the first was taken most soberly and, as it answers my purpose best, I pledge myself to adhere strictly to that. Sincerely wishing you good luck in legislating, I am, dear sirs, very respectfully yours,

E. WHITE.

This, as it afterwards proved, was a very unfortunate letter for Dr. White, as it increased the legislative committee's indignation to a white heat, and that body determined to defeat him if it lay in their power. On motion of Mr. Applegate, it was

Resolved, That the secretary be requested to forward to the United States Government, through the American consul at Sandwich Islands, a copy of the articles of compact, as adopted by the people of Oregon territory, on the last Saturday of July, 1845; and that the same be signed by the governor, and attested by the secretary; also, all resolutions adopted by this house, relative to sending said documents by E. White, late Indian agent of this territory; also, a copy of the letter of E. White directed to this house.

These documents and papers, also sworn affidavits of his having opened private letters consigned to his care, were handed to Captain John H. Couch, who was about to sail for Honolulu, and by him handed to the consul. President Polk received them before Dr. White arrived at Washington, and gave the doctor a cool reception and refusing to appoint him to any office whatever.

On motion the house held a secret session for the purpose of electing officers, and the vote to be by ballot. District judges of Champoeg county—E. Parrish, three years; F. X. Mathieu, two years; and Daniel Waldo, one year. Sheriff—Wm. Morrison. Judges of Tuality county—O. Russell, three years; H. Higgins, two years; Wm. Burriss, one year. Sheriff—T. Smith. Judges for Yamhill county—Jas. O'Neil, three years; J. Hembree, two years; J. P. Walker, one year. Sheriff—A. Hembree. P. H. Burnett was elected supreme judge. O. Russell, of Tuality declined and B. Q. Tucker elected instead. Judges for Clackamas county—P. G. Stewart, three years; Fred Prigg, two years; T. W. Pettigrove, one year Mr. Stewart resigned and S S. White was elected to fill the vacancy. Sheriff—Wm. Holmes. Judges for Clatsop county—W. T. Perry, three years; Robert Shortess, two years; Calvin Tibbitts, one year. Sheriff—Thomas Owens. Governor Abernethy was elected superintendent of Indian affairs, and Wm. G. T'Vault, postmaster-general.

On Wednesday, August 20, 1845, the legislative committee adjourned *sine die* to make away for the first regular house of representatives under the new organic law, adopted July 26, 1845, to meet in the following December.

The first regular session of the house of representatives of the provisional Government, met at Oregon City, Tuesday, December 2, 1845. This session was composed of the same members who were elected in the previous June. Robert Newell was elected speaker; J. E. Long, chief clerk; Theopolus McGruder, sergeant-at-arms.

The principal bill of interest introduced at this session was a law regulating the sale of intoxicating liquors, which was finally defeated through the influence of the Hudson's Bay Company.

A law was passed regulating currency, in which gold, silver, treasury drafts, approved orders on solvent merchants, and good merchantable wheat delivered at places where the people were accustomed to receive wheat, was a lawful tender for taxes and judgments rendered by the courts of Oregon. The sections on exemptions from sale included nearly everything, and no property could be sold for less than two-thirds its value. I append another act that was passed August 19, 1845, but seems not to have been approved by the governor, and is marked "retained."

An Act to Regulate the Currency.

Be it enacted by the house of representatives of Oregon Territory as follows: That cash or the following articles, at their current value, shall be a lawful tender in the payment of all demands in this territory, where no special contract had been made between the parties, viz: Available orders, wheat, hides, tallow, beef, pork, butter, lard, peas, lumber, or other articles of export of this territory; *Provided*, the same be delivered at such points on the navigable streams, or such other places as may be established as depots of such articles.

This act to take effect and be in force, from and after its passage.

A few days after Mr. Newell was elected, he asked to be excused on account of the dangerous illness of his wife. Henry A. G. Lee was elected speaker *pro tem*, and served the rest of the term.

Just before the house adjourned *sine die*, the following resolution was adopted:

Resolved, That one of the principal objects contemplated in the formation of the Government, was the promotion and prosperity of peace and happiness among ourselves, and the friendly relations which have, and ever ought to exist between the people of the United States and Great Britain; and any measure of this house calculated to defeat the same, is in direct violation of the true intention for which it was formed.

The legislature created the following districts in the territory:

The first district to be called the Tuality District, comprising all the country lying south of the northern boundary line of the United States, northwest of the Willamette river and a supposed line running due north to upper mouth of said river, north of the Yam Hill river, and extending to the Pacific ocean upon the west.

The second district to be called the Yam Hill District, embracing all the country west of the Willamette river, and a supposed line running north and south from the said river south of the Yam Hill river to the parallel of 42°.

The third district to be called the Clackamas District, includes all territory not included in the other two districts.

The fourth district to be called the Champooick District, and bounded upon the north by a supposed line drawn from the mouth of the Anchioke river and running due east to the Rocky mountains; west of the Willamette river and a supposed line running due south from the Willamette river to the parallel of 42° of its latitude; south by the boundary line of the United States and California and east by the summit of the Rocky mountains.

That all that portion of the Territory of Oregon lying north of the middle of the main channel of the Columbia river, shall be and the same is hereby declared a separate district, under the name and style of Vancouver District, and the said district shall be entitled to elect one member to the house of representatives at the next annual election.

GEO. ABERNETHY,
Governor.

Approved, Aug. 20, 1845.

President Polk in his message to Congress, December, 1845, submitted all the documents in regard to the Oregon question, from 1842, when Mr. Webster was Secretary of State, to his own administration and up to date. The correspondence is voluminous, but of great historical value, and because of its interest to the student, it is here reproduced by the historian as the result of much laborious research.

From the message of the President of the United States to Congress, December, 1845.

"My attention was early directed to the negotiation, which, on the 4th of March last, I found pending at Washington, between the United States and Great Britain, on the subject of Oregon territory. Three several attempts have been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful. These negotiations took place at London, in the years 1818, 1824 and 1829; the two first under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the 20th of October of that year. By the third article of that convention, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens and subjects of the two Powers; it being well understood that this agreement is not construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to effect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves.

The negotiation of 1824, was productive of no result, and the convention of 1818, was left unchanged. The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the convention of August 6, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of October 20, 1818; and it was further provided, that 'it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated after expiration of the said term of notice.'"

In these attempts to adjust the controversy, the parallel of 49° of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, and a further concession of the free navigation of the Columbia river south of that latitude. The parallel of 49°, from the Rocky mountains to its intersection with the northeastermost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detatched territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the envoy extraordinary and minister plenipotentiary of the United States in London, was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when negotiations were shortly afterwards transferred to Washington; and, on the 23d of August, 1844, was formerly opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of 'compromise;' and the avowed purpose of the parties was, 'to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them westward of the Rocky mountains to the Pacific ocean.' Accordingly on the 26th of August, 1844, the British plenipotentiary offered to divide the Oregon territory by the 49th parallel of north latitude from the Rocky mountains to the point of its intersection with the northeastermost branch of the Columbia river, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's harbor inclusive to Hood's Canal, and to make free to the United States any port or ports south of latitude 49°, which they might desire, either on the main land, or on Quadra or Vancouver's Island. With the exception of the free ports, this was the same offer which had been made by the British, and rejected by the American Government in the negotiations of 1826. This proposition was promptly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British plenipotentiary. The proposition on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for 'an equitable adjustment of the question.'

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of 49°, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise. I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two powers held a joint occupancy of the country, I was induced to make another effort to settle this long pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer, what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government." The proposition thus offered and rejected, repeated the offer of the parallel of 49° of north latitude, which had been made by the two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia river. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the Cape of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afforded satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole of Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments. The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.

JAMES K. POLK.

Documents Accompanying the President's Message.

(MR. FOX TO MR. WEBSTER.)

WASHINGTON, November 15, 1842.

SIR: With reference to our recent conversation upon the question of the Oregon or Northwestern boundary, when I conveyed to you the desire of Her Majesty's Government that instructions should, at an early period, be addressed to the United States minister at London, empowering him to treat with such person as may be appointed by Her Majesty on the part of Great Britain for a final settlement of that question, I have now the honor to enclose to you the extract of a dispatch addressed to me upon the subject by the Earl of Aberdeen, in which the wishes of Her Majesty's Government are fully and satisfactorily set forth. I feel pursuaded that the great importance of the matter at issue, and the friendly and conciliatory manner of Lord Aberdeen's proposal, will induce the President of the United States to bestow upon them his early and serious attention.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration. H. S. FOX.

HON. DANIEL WEBSTER.

(ENCLOSURE.)

FOREIGN OFFICE, October 18, 1842.

SIR: The ratifications of the treaty concluded on the 9th of August, between Great Britain and the United States, were exchanged by me on the 13th instant, with the minister of the United States accredited to the court of Her Majesty. The more important question of the disputed boundary between Her Majesty's North American provinces and the United States, being thus settled, and the feelings which may have mutually produced in the people of both countries by the settlement being evidently favorable, and indicative of a general desire to continue on the best footing with each other, it has appeared to Her Majesty's Government that both parties would act wisely in availing themselves of so auspicious a moment to endeavor to bring to a settlement the only remaining subject of territorial difference, which, although not so hazardous as that of the northeastern boundary, is, nevertheless, even at this moment, not without risk to a good understanding between the two countries, and may, in course of time, be attended with the same description of danger to their mutual peace as the question which has recently been adjusted—I speak of the line of boundary west of the Rocky mountains.

You are aware that Lord Ashburton was furnished with specific and detailed instructions with respect to the treatment of this point of difference between the two Governments, in the general negotiations with which he was intrusted, and which he has brought to a satisfactory issue.

For reasons which it is not necessary here to state at length, that point, after having been made the subject of conference with the American Secretary of State, was not further pressed. The main ground alleged by his lordship for abstaining from proposing to carry on the discussion with respect to the question of the northwest boundary, was the apprehension lest, by so doing, the settlement of the far more important matter of the northeastern boundary should be impeded, or exposed to the hazard of failure. This ground of apprehension now no longer exists; and Her Majesty's Government, therefore being anxious to endeavor to remove, so far as depends on them, all cause, however remote, or even contingent risk to the good understanding now so happily restored between the two countries which ought not to be at variance with each other, have determined to propose to the Government of the United States to meet in an endeavor to adjust by treaty the unsettled question of boundary west of the Rocky mountains.

On receipt of this dispatch, therefore, I have to desire that you will propose to Mr. Webster to move the President to furnish the United States minister at this court with such instructions as will enable him to enter upon the negotiations of this matter with such person as may be appointed by Her Majesty for that object. And you will assure him, at the same time, that we are prepared to proceed to the consideration of it in a perfect spirit of fairness, and to adjust it on a basis of equitable compromise.

I am with great truth and regard, sir, your most obedient and humble servant,

ABERDEEN.

(MR. WEBSTER TO MR. FOX.)

DEPARTMENT OF STATE, WASHINGTON, November 25, 1842.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, upon the question of the Oregon or northwestern boundary question, with an extract of a dispatch recently addressed to you on the subject by the Earl of Aberdeen, explanatory of the wishes of Her Majesty's Government, both of which I laid before the President a few days afterwards. He directed me to say that he concurred entirely in the expediency of making the qestion respecting the Oregon territory a subject of immediate attention and negotiation between the two Governments. He had already formed the purpose of extending this opinion in his message to congress; and, at no distant day, a communication will be made to the minister of the United States in London.

I pray you to accept the renewed assurance of my distinguished consideration.

DANIEL WEBSTER.

H. S. FOX, ESQ., &c.

(MR. PAKENHAM TO MR. UPSHUR.)

WASHINGTON, February 24, 1844.

SIR: Among the matters at present under the consideration of the two Governments, there is none respecting which the British Government is more anxious to bring to an early and satisfactory arrangement with the Government of the United States than that relating to the boundaries of Oregon or the Columbia territory.

The undersigned, Her Majesty's envoy extraordinary and minister plenipotentiary, has accordingly been instructed to lose no time in entering into communication with the Secretary of State of the United States upon this subject. In fulfilment, then, of the commands of his Government, the undersigned has the honor to acquaint Mr. Upshur that he will be ready to confer with him, with a view to ulterior negotiations on the subject in question, whensoever it shall suit Mr. Upshur's convenience.

The undersigned offers to Mr. Upshur his high consideration.

R. PAKENHAM.

HON. ABEL P. UPSHUR.

(MR. UPSHUR TO MR. PAKENHAM.)

DEPARTMENT OF STATE, WASHINGTON, February 26, 1844.

SIR: The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note dated the 24th instant, from Mr. Pakenham, Her Majesty's envoy extraordinary and minister plenipotentiary, in which he states that he will be ready to confer with the undersigned with a view to ulterior negotiation on the subject of the boundaries of the Oregon or Columbia territory, whensoever it shall suit his convenience.

In reply, the undersigned has the honor to inform Mr. Pakenham that he will receive him for that purpose at the department of state to-morrow, at eleven o'clock A. M.

The undersigned avails himself, &c.,

A. P. UPSHUR.

RICHARD PAKENHAM, ESQ.,

(MR. PAKENHAM TO MR. CALHOUN.)

WASHINGTON, July 22, 1844.

SIR: In the archives of the department of state will be found a note which I had the honor to address, on the 24th of February last, to the late Mr. Upshur,[1] expressing the desire of Her Majesty's Government to conclude with the Government of the United States a satisfactory arrangement respecting the boundary of the Oregon or Columbia territory.

The lamented death of Mr. Upshur, which occurred a few days after the date of that note, the interval which took place between the event and the appointment of a successor, and the urgency and importance of various matters which offered themselves to your attention immediately after your accesion to office, sufficiently explained why it has not hitherto been in the power of your Government, sir, to attend to the important matter to which I refer.

But the session of congress having been brought to a close, and the present being a season of the year when the least public business is usually transacted, it occurs to me that you now feel at leisure to proceed to the consideration of that subject. At all events it becomes my duty to recall it to your recollection, and to repeat the earnest desire of Her Majesty's Government, that a question on which so much interest is felt in both countries, should be disposed of at the earliest moment consistent with the convenience of the Government of the United States.

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[1] Mr. Upshur was killed by the explosion of a large gun that was being tested on board ship near Washington in the ides of March.

I have the honor &c., R. PAKENHAM.

Hon. John C. Calhoun.

(Mr. Calhoun to Mr. Pakenham.)

Department of State, Washington, August 22, 1844.

Sir: The various subjects which necessarily claimed my attention on entering on the duties of my office have heretofore, as you justly supposed in your note of the 22d of July last, prevented me from appointing a time to confer with you and enter on the negotiation with reference to the Oregon territory.

These have at length been dispatched, and, in reply to the note which you did me the honor to address to me of the date above mentioned, I have to inform you that I am now ready to enter on the negotiations; and, for that purpose, propose a conference to-morrow, at one o'clock P. M., at the department of state, if perfectly convenient to you; but if not, at any other time which it may suit your convenience to appoint. The Government of the United States participates in the anxious desire of that of Great Britain, that the subject may be early and satisfactorily arranged. I have the honor, &c.,

J. C. CALHOUN.

The Right Hon. R. Pakenham.

(Mr. Pakenham to Mr. Calhoun.)

Washington, August 22, 1844.

Sir: I have the honor to receive your note of this morning's date, in which you signify your readiness to enter on the negotiation in reference to the Oregon territory, proposing to me to meet you in conference on that subject to-morrow, at one o'clock. I reply, I have the honor to acquaint you that I have great pleasure in waiting on you at the department of state at the hour proposed.

Be pleased to accept, &c., R. PAKENHAM.

The Hon. J. C. Calhoun.

Protocols.

On the 23d of August, 1844, a conference was held by appointment at the office of the secretary of state, in the city of Washington, between the Honorable John C. Calhoun, secretary of state of the United States, and the Right Honorable Richard Pakenham, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, both duly authorized by their respective Governments to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between the two countries westward of the Rocky mountains to the Pacific ocean. The conference was opened by assurance on both sides of the desire of their respective Governments to approach the question with an earnest desire, and in the spirit of compromise, to effect an adjustment consistent with the honor and just interests of either party. The plenipotentiaries then proceeded to examine the actual state of the question as it stood at the last unsuccessful attempt to adjust it. This done, the American plenipotentiary desired to receive from the British plenipotentiary any fresh proposal he might be instructed to offer on the part of his Government towards effecting an adjustment. The British plenipotentiary said he would be ready to offer such a proposal at their next conference, hoping that the American plenipotentiary would be ready to present a proposal on the part of his Government. The conference adjourned to meet on Monday, the 26th instant.

J. C. CALHOUN.
R. PAKENHAM.

On the 26th of August, 1844, the second conference was held between the respective plenipotentiaries at the office of the secretary of state. The British plenipotentiary offered a paper containing a proposal for adjusting the conflicting claims of the two countries. The American plenipotentiary declined the proposal. Some remarks followed in reference to the claims of the two countries to the territory, when it became apparent that a more full understanding of their respective views in reference to them was necessary at this stage, in order to facilitate future proceedings. It was accordingly agreed that written statements containing their views should be presented before any further attempt should be made to adjust them. It was also agreed that the American Plenipotentiary should present a statement at the next conference, and that he should inform the British Plenipotentiary when he was prepared to hold it.

J. C. CALHOUN,
R. PAKENHAM.

Proposals offered by the British Plenipotentiary at the second Conference.

Whereas the proposals made on both sides in the course of the last negotiation had been mutually delivered, Her Majesty's Government were prepared, in addition to what had already been offered on the part of Great Britain,[1] and in

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[1] The precise nature and terms of the offer on the part of Great Britain here referred to, are shown by the following extracts from the protocols of the conferences which took place at London in 1824 and in 1826:

Protocols of the twenty third conference July 13, 1824,—Extract from the British paper:

"The boundary line between the territories claimed by His Britannic Majesty and those claimed by the United States, to the west in both cases of the Rocky mountains, shall be drawn due west along the forty-ninth parallel of north latitude, to the point where that parallel strikes the great northeasternmost branch of the Oregon or Columbia river—marked in the maps as McGillivray's river; thence down along the middle of the Oregon or Columbia, to its junction with the Pacific ocean; the navigation of the whole channel being perpetually free to the subjects and citizens of both parties; the said subjects and citizens being also reciprocally at liberty, during the term of ten years from the date thereof, to pass and repass by land and by water; and to navigate, with their vessels and merchandise, all the rivers, bays, harbors, and creeks, as heretofore, on either side of the above mentioned line; and to trade with all and any of the nations free of duty or impost of any kind, subject only to such local regulations as, in other respects, either of the two contracting Powers may find it necessary to enforce within its own limits, and are prohibited from furnishing the nations with firearms and other exceptionable articles, to be hereafter enumerated; and it is further especially agreed that neither of the high contracting parties, their respective subjects or citizens, shall henceforward form any settlements within the limits assigned hereby to the other, west of the Rocky mountains, it being at the same time understood that any settlements already formed by the British to the south and east of the boundary line above described, or by citizens of the United States to the north and west of the same line, shall continue to be occupied and enjoyed, at the pleasure of the present proprietors or occupants, without let or hindrance of any kind, until the expiration of the above mentioned term of years from the date hereof."

Protocol of the third Conference Dec. 1, 1826.

"The British plenipotentiaries, in order to evince the earnest desire of their Government to afford every facility to the final adjustment of the question of boundary, submitted the following terms of accommodation, with a view to their reference to the American Government.

"'That, considering that the possession of a safe and commodious port on the northwest coast of America, fitted for the reception of large ships, might be an object of great interest and importance to the United States, and that no such port was to be found between the forty-second degree of latitude and the Columbia river, in still adhering to that river as a basis, His Majesty's Government was willing so far to modify her former proposal as to concede, as far as she was concerned, to the proof of the earnest desire to arrive at an arrangement suitable to the interests and wishes of both parties, to undertake to make free to the United States any part, or port or ports which the United States Government might desire, either on the main land or on Vancouver's island south of latitude 49°.

On September 2, 1844, the third conference was held, at the office of the secretary of state, according to appointment. The American plenipotentiary presented a written statement of his views of the claims of the United States to the portion of the territory drained by the waters of the Columbia river (marked A.), and containing his reasons for declining to accept the proposals offered by the British plenipotentiary at their second conference.

J. C. CALHOUN,
R. PAKENHAM.

On September 12, 1844, the fourth conference was held at the office of the secretary of State, when the British plenipotentiary presented his statement (marked D), counter to that of the American plenipotentiary (marked A), presented at the preceding conference.

J. C. CALHOUN,
R. PAKENHAM.

At the fifth conference, held at the office of the secretary of state, on the 20th of September, the American plenipotentiary delivered to the British plenipotentiary a statement (marked B), in rejoinder to his counter statement (marked A).

J. C. CALHOUN,
R. PAKENHAM.

The sixth conference was held on the 24th of September, 1844, when the British plenipotentiary stated that he had read with due attention the statement (marked B) presented by the American plenipotentiary at the last conference, but that it had not weakened the impression previously entertained by him with regard to the claims and rights of Great Britain, as explained in the paper lately presented by him (marked D). That reserving for a future occasion such observations as he might wish to present, by way of explanation, in reply to the statement last presented by the American plenipotentiary, he was for the present obliged to declare, with reference to the concluding part of that statement, that he did not feel authorized to enter into discussion respecting the territory north of the forty-ninth parallel of latitude, which was understood by the British Government to form the basis of negotiation on the side of the United States, as the line of the Columbia formed that on the side of Great Britain. That the proposal which he had presented was offered by Great Britain as an honorable compromise of the claims and pretensions of both parties, and that it would, of course,

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United States, the possession of Port Discovery, a most valuable harbor on the southern coast of De Fuca's inlet; and to annex thereto all that tract of country comprised within a line to be drawn from Cape Flattery, along the southern shore of De Fuca's inlet to Point Wilson, at the northwestern extremity of Admiralty inlet, from thence along the western shore of that inlet, across the entrance of Hood's inlet, to the point of landing forming the northwestern extremity of the said inlet; from thence along the eastern shore of that inlet to the southern extremity of the same; from thence direct to the southern point of Gray's harbor; from thence along the shore of the Pacific ocean to Cape Flattery as before mentioned.'"

"'They were further willing to stipulate that no works should at any time be erected at the entrance of the river Columbia, or upon the banks of the same, that might be calculated to impede or hinder the free navigation thereof by the vessels or boats of either party.'"

be undersood as having been made subject to the condition recorded in the protocol of the third conference held between the respective plenipotentiaries in London, in December, 1826.[1]

J. C. CALHOUN,
R. PAKENHAM.

The seventh conference was held at the department of state, on the 16th of July, 1845, between the honorable James Buchanan, secretary of state, the American plenipotentiary, and the Right Honorable Robert Pakenham, the British plenipotentiary, when the pending negotiation respecting the Oregon territory was resumed. The American plenipotentiary presented to the British plenipotentiary a statement (marked J B), bearing date 12th of July, 1845, made in compliance with the request of the latter, contained in his statement (marked D), that the American plenipotentiary would propose an arrangement for an equitable adjustment of the question, and also define the nature and extent of the claims of the United States to the territory north of the valley of the Columbia.

JAMES BUCHANAN,
R. PAKENHAM.

(A)

(MR. CALHOUN TO MR. PAKENHAM.)

WASHINGTON, September 3, 1844.

The undersigned, American plenipotentiary, declines the proposal of the British plenipotentiary, on the ground that it would have the effect of restricting the possessions of the United States to limits far more circumscribed than their claims clearly entitle them to. It proposes to limit their northern boundary by a line drawn from the Rocky mountains along the forty-ninth parallel of latitude to the northeasternmost branch of the Columbia river, and thence down the middle of that river to the sea, giving to Great Britain all the country north, and to the United States all south of that line, except a detached territory extending on the Pacific and the straits of Fuca, from Bulfinch's harbor to Hood's canal. To which it is proposed in addition, to make free to the United States any port which the United States Government might desire, either on the main land or on Vancouver's island, south of latitude 49°.

By turning to the map hereto annexed, and on which the proposed boundary is marked in pencil, it will be seen that it assigns to Great Britain almost the entire region (on its north side) drained by the Columbia river, lying on its northern bank. It is not deemed necessary to state at large the claims of the United States to this territory, and the grounds on which they rest, in order to make good the assertion that it restricts the possessions of the United States within narrower bounds than they are clearly entitled to. It will be sufficient for this purpose to show that they are clearly entitled to the entire region drained by the river; and to the establishment of this point the undersigned proposes accordingly to limit his remarks at present.

Our claims to the portion of the territory drained by the Columbia river, may be divided into those we have in our own proper right, and those we have derived

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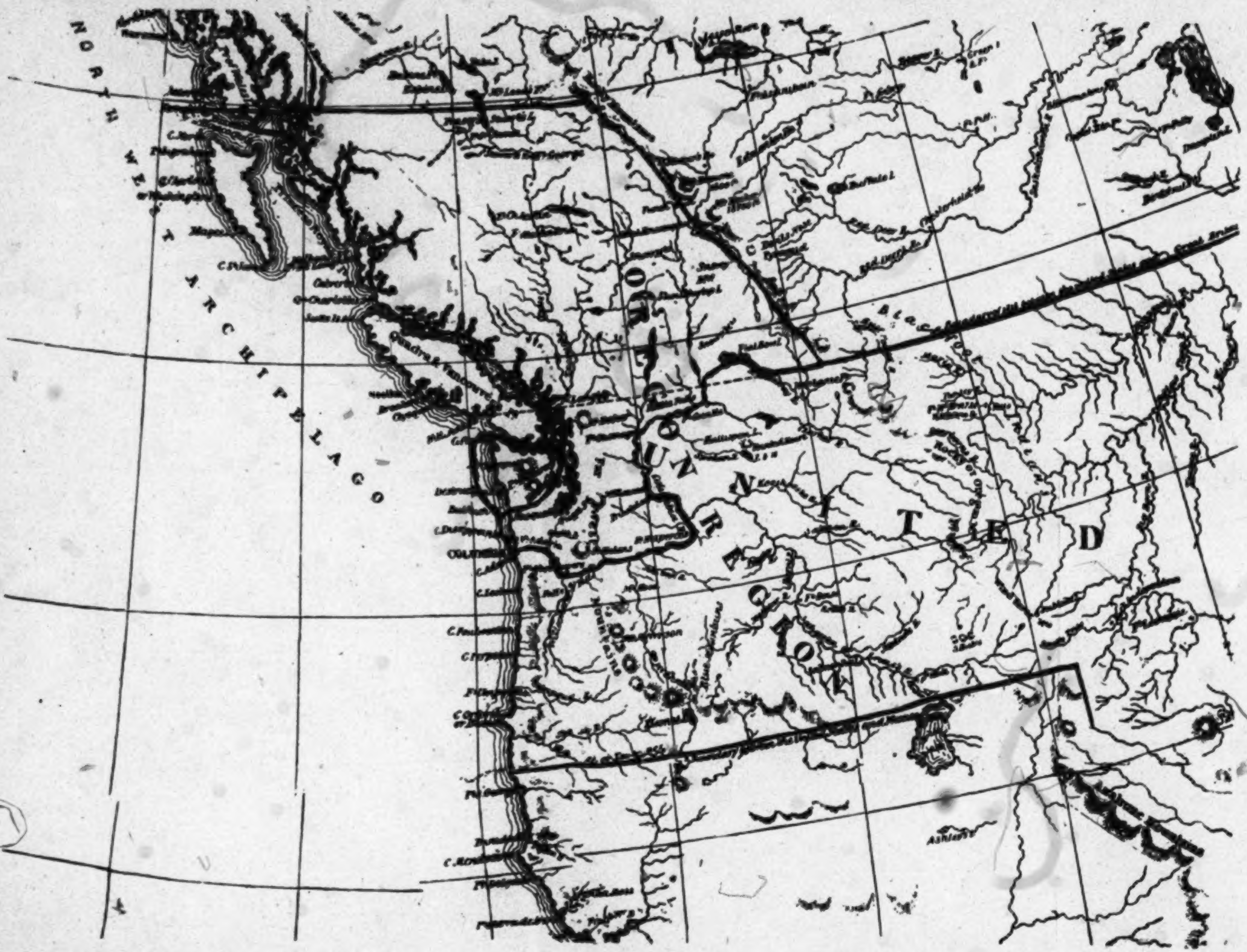
[1] The condition here referred to is the protest contained in the following extract from the protocol of the third conference held on the 1st of December, 1826: "The British plenipotentiaries * * * protested against the offer of concession so made being ever taken in any way to prejudice the claims of Great Britain included in her proposal of 1824; and declared that the offer now made was considered by the British Government as not called for by any just comparison of the grounds of these claims and of the counter claim of the United States, but rather as a sacrifice which the British Government had consented to make, with a view to obviate all evils of future difference in respect to the territory west of the Rocky mountains."


NORTH WEST ARCHIPELAGO
OREGON REGION
UNITED

from France and Spain. We ground the former, as against Great Britain, on priority of discovery and priority of exploration and settlement. We rest our claim to discovery, as against her, on that of Captain Gray, a citizen of the United States, who, in the ship *Columbia*, of Boston, passed the bar and anchored in the river, ten miles above the mouth, on the 11th of May, 1792, and who afterwards sailed up the river twelve or fifteen miles, and left on the 20th of the same month, calling it Columbia after his ship, which name it still retains. On these facts our claim to the discovery and entrance into the river rests. They are too well attested to be controverted; but they have been opposed by the alleged discoveries of Meares and Vancouver. It is true that the former explored a portion of the coast through which the Columbia flows into the ocean in 1788 (five years before Captain Gray crossed the bar and anchored in the river), in order to ascertain whether the river, as laid down in the Spanish charts and called St. Roe, existed or not; but it is equally true that he did not discover it. On the contrary he expressly declares, in his account of the voyage, as the result of his observations, that "we can now safely assert that there is no such river as that of the St. Roe, as laid down in the Spanish charts," and, as if to perpetuate his disappointment, he called the promontory lying north of the inlet where he expected to discover it, Cape Disappointment, and the inlet itself Deception bay. It is also true that Vancouver, in April, 1792, explored the same coast; but it is no less so that he failed to discover the river, of which his own journal furnishes the most conclusive evidence, as well as his strong conviction that no such river existed. So strong was it, indeed, that when he fell in with Captain Gray, shortly afterwards, and was informed by him that he had been off the mouth of a river in latitude 46° 10′, whose outlet was so strong as to prevent his entering, he remained still incredulous, and strongly expressed himself to that effect in his journal. It was shortly after this interview that Captain Gray again visited its mouth, crossed its bar and sailed up the river, as has been stated. After he left it he visited Nootka Sound, where he communicated his discoveries to Quadra, the Spanish commandant at that place, and gave him a chart and description of the mouth of the river. After his departure, Vancouver arrived there in September, when he was informed of the discoveries of Captain Gray, and obtained from Quadra copies of the chart he had left with him. In consequence of the information thus obtained he was induced to visit again that part of the coast. It was during this visit that he entered the river on the 20th of October and made his survey. From these facts it is manifest that the alleged discoveries of Meares and Vancouver cannot, in the slightest degree, shake the claim of Captain Gray to priority of discovery. Indeed, so conclusive is the evidence in his favor, that it has been attempted to evade our claim on the novel and wholly untenable ground that his discovery was made, not in a national, but in a private vessel. Such, and so incontestible is the evidence of our claim as against Great Britain—from priority of discovery, as to the mouth of the river, cossing its bar, entering it, and sailing up its stream—on the voyage of Captain Gray alone, without taking into consideration the prior discovery of the Spanish navigator Heceta, which will be more particularly referred to hereafter.

Nor is the evidence of the priority of our discovery of the head-branches of the river and its exploration less conclusive. Before the treaty was ratified by which we acquired Louisiana, in 1803, an expedition was planned—at the head of which were placed Meriwether Lewis and William Clarke—to explore the river Missouri and its principal branches to their sources, and then to seek and trace to its termination in the Pacific some stream, "whether the Columbia, the Oregon, the Colorada, or any other which might offer the most direct and practicable water communication across the continent, for the purpose of commerce." The party began to ascend the Missouri in May, 1804, and, in the summer of 1805, reached the headwaters of the Columbia river. After crossing many of the streams falling into it, they reached the Kooskooskee, in latitude 43° 34′—descended that to the principal northern branch, which they called Lewis—followed that to its junction with the great northern branch, which they called Clarke—thence descended to the mouth of the river, where they landed and encamped on the north side, on Cape Disappointment, and wintered.

The next spring they commenced their return, and continued their explorations up the river, noting its various branches, and tracing some of the principal; and finally arrived at St. Louis, in September, 1806, after an absence of two years and four months. It was this important expedition which brought to the knowledge of the world this great river—the greatest by far on the western side of this continent—with its numerous branches, and the vast regions through which it flows, above the point to which Gray and Vancouver had ascended. It took place many years before it was visited and explored by any subjects of Great Britain, or of any other civilized nation, so far as we are informed. It as clearly entitles us to the claim of priority of discovery as to its head-branches, and the exploration of the river and region through which it passes, as the voyages of Captain Gray and the Spanish navigator, Heceta, entitles us to priority, in reference to its mouth, and the entrance into its channel.

Nor is the priority of settlement less certain. Establishments were formed by American citizens on the Columbia as early as 1809 and 1810. In the latter year a company was formed in New York, at the head of which John Jacob Astor, a wealthy merchant of that city, the object of which was to form a regular chain of establishments on the Columbia river and the contiguous coasts of the Pacific for commercial purposes. Early in the spring of 1811, they made their first establishment on the south side of the river, a few miles above Point George, where they were visited in July following by Mr. Thompson, a surveyor and astronomer of the Northwest Company, and his party. They had been sent out by that company to forestall the American company in occupying the mouth of the river, but found themselves defeated in their object.

The American company formed two other connected establishments higher up the river; one at the confluence of the Okanogan with the north branch of the Columbia, about 600 miles above its mouth; and the other on the Spokane, a stream falling into the north branch, some 50 miles above. These posts passed into the possession of Great Britain during the war which was declared the next year, but it was provided by the first article of the treaty of Ghent, which terminated it, that "all territories, places, and possessions whatever, taken by either party from the other during the war, or which may be taken after signing of the treaty, excepting the islands hereafter mentioned (in the Bay of Fundy), shall be restored without delay." Under this provision, which embraces all the establishments of the American Company on the Columbia, Astoria was formally restored, on the 6th of October, 1818, by agents duly authorized on the part of the British Government to restore the possession, and to an agent duly authorized on the part of the Government of the United States to receive it—which placed our possession where it was before it passed into the hands of British subjects. Such are the facts on which we rest our claims to priority of discovery and priority of exploration and settlement, as against Great Britain, to the region drained by the Columbia river. So much for the claims we have, in our own proper right, to that region.

To these we have added the claims of France and Spain. The former we obtained by the treaty of Louisiana, ratified in 1803; and the latter by the treaty of Florida, ratified in 1819. By the former we acquired all the rights which France had to Louisiana, "to the extent it now has (1803) in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into by Spain and the other States." By the latter, his Catholic Majesty "ceded to the United States all his rights, claims and pretensions" to the country lying west of the Rocky mountains, and north of a line drawn on the 42d parallel of latitude, from a point on the south bank of the Arkansas, in that parallel, to the South Sea—that is, to the whole region claimed by Spain west of those mountains, and north of that line. The cession of Louisiana gave us undisputed title west of the Mississippi, extending to the summit of the Rocky mountains, and stretching south between that river and those mountains to the possessions of Spain, the line between which and ours was afterwards determined by the treaty of Florida. It also added much to the strength of our title to the region beyond the Rocky mountains, by restoring to us the important link of continuity westward to the Pacific, which had been surrendered by the treaty of 1763—as will be hereafter shown.

That continuity furnishes a just foundation for a claim of territory in connection with those of discovery and occupation, would seem unquestionable. It is admitted by all, that neither of them is limited by the precise spot discovered or occupied. It is evident, that in order to make either available, it must extend at least some distance beyond that actually discovered or occupied, but how far, as an abstract question, is a matter of uncertainty. It is subject, in each case, to be influenced by a variety of considerations. In the case of an island, it has been usually maintained in practice, to extend the claim of discovery or occupancy to the whole. So, likewise in the case of a river, it has been usual to extend them to the entire region drained by it, more especially in a case of discovery and settlement at the mouth; and emphatically so, when accompanied by exploration of the river and the region through which it flows. Such, it is believed, may be affirmed to be the opinion and practice in such cases, since the discovery of this continent. How far the claim of continuity may extend in other cases is less perfectly defined, and can be settled only by reference to the circumstances attending each.

When this continent was first discovered, Spain claimed the whole, in virtue of the grant of the Pope; but a claim so extravagant and unreasonable was not acquiesced in by other countries, and could not long be maintained. Other nations, especially England and France, at an early period, contested her claim. They fitted out voyages of discovery, and made settlements on the eastern coasts of North America. They claimed for their settlements, usually, specific limits along the coasts or bays on which they were formed, and, generally, a region of corresponding width, extending across the entire continent to the Pacific ocean. Such was the character of the limits assigned by England, in the charters which she granted to her former colonies, now the United States, when there were no special reasons for varying from it. How strong she regarded her claim to the region conveyed by these charters, and extending westward of her settlements, the war between her and France, which was terminated by the treaty of Paris, 1763, furnishes a striking illustration. The great contest, which ended so gloriously for England, and affected so great and durable a change on this continent, commenced in a conflict between her claims and those of France, resting on her side on this very right of continuity, extending westward from her settlements to the Pacific ocean, and on the part of France, on the same right, but extending to the region drained by the Mississippi and its waters, on the ground of settlement and exploration. Their respective claims, which led to the war, first clashed on the Ohio river, the waters of which the Colonial charters, in their western extension, covered, but which France had been unquestionably the first to settle and explore. If the relative strength of these different claims may be tested by the result of that remarkable contest, that of continuity westward must be pronounced to be the stronger of the two. England has had at least the advantage of the result, and would seem to be foreclosed against contesting the principle—particularly as against us, who contributed so much to that result, and on whom that contest, and her example, and her pretensions, from the first settlement of our country, have contributed to impress it so deeply and indelibly.

But the treaty of 1763, which terminated that memorable and eventful struggle, yielded, as has been stated, the claims and all the chartered rights of the colonies beyond the Mississippi. The seventh article establishes that river as the permanent boundary between the possessions of Great Britain and France on this continent. So much as relates to the subject is in the following words: "The confines between the dominions of His Britannic Majesty in that part of the world (the continent of America) shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville; and from thence by a line drawn along the middle of this river, and the lakes Maurpas and Pontchartrain, to the sea," &c. This important stipulation, which thus establishes the Mississippi as the line "fixed irrevocably" between the dominions of the two countries on this continent, in effect extinguishes in favor of France whatever claim Great Britain may have had to the region lying west of the Mississippi. It of course could not affect the rights of Spain—the only other nation which had any pretense of claim west of that river; but it prevented the right of continuity previously claimed by Great Britain from extending beyond it, and transferred it to France. The treaty of Louisiana restored and vested in the United States all the claims acquired by France and surrendered by Great Britain, under the provisions of that treaty, to the country west of the Mississippi, and, among others, the one in question. Certain it is that France had the same right of continuity, in virtue of her possession of Louisiana, and the extinguishment of the right of England, by the treaty of 1763, to the whole country west of the Rocky mountains, and lying west of Louisiana, as against Spain, which England had to the country west of the Alleghany mountains, as against France—with this difference, that Spain had nothing to oppose to the claim of France at the time but the right of discovery, and even, that England has since denied; while France had opposed to the right of England, in her case, that of discovery, exploration and settlement. It is therefore not at all surprising that France should claim the country west of the Rocky mountains (as may be inferred from her maps), on the same principle that Great Britain had claimed and dispossessed her of the regions west of the Alleghany; or that the United States, as soon as they had acquired the rights of France, should assert the same claim, and take measures immediately after to explore it, with a view to occupation and settlement. But since then, we have strengthened our title, by adding to our own proper claims, and those of France, the claims also of Spain by the treaty of Florida, as has been stated.

The claims which we have acquired from her between the Rocky mountains and the Pacific rests on her priority of discovery. Numerous voyages of discovery, commencing with that of Maldonado, in 1528, and ending with that of Galiano and Valdes, in 1792, were undertaken by her authority along the northwestern coast of North America, that they discovered and explored not only the entire coast of what is now called the Oregon territory, but still further north, is a fact too well established to be controverted at this day. The voyages which they performed will accordingly be passed over at present without being particularly alluded to, with the exception of that of Heceta. His discovery of the mouth of the Columbia river has already been referred to. It was made on the 15th day of August 1775, many years anterior to the voyages of Meares and Vancouver, and was prior to Cook's who did not reach the northwestern coast until 1778. The claims it gave to Spain of priority of discovery were transferred to us, with all others belonging to her, by the treaty of Florida; which added to the discoveries of Captain Gray, places our right to the discovery of the mouth and entrance into the inlet and river beyond all controversy. It has been objected that we claim under various and conflicting titles, which mutually destroy each other. Such might indeed be the fact while they were held by different parties, but since we have rightfully acquired both those of Spain and France, and concentrated the whole in our hands, they mutually blend with each other, and form one strong and connecting chain of titles against the opposing claims of all others, including Great Britain.

In order to present more fully and perfectly the grounds on which our claims to the region in question rest, it will now be necessary to turn back to the time when Astoria was restored to us, under the provisions of the treaty of Ghent, and to trace what has since occurred between the two countries in reference to the territory, and inquire whether their respective claims have been affected by the settlements since made in the territory by Great Britain, or the occurrences which have since taken place. The restoration of Astoria took place, under the provision of the treaty of Ghent, on the 6th day of October, 1818, the effect of which was to put Mr. Prevost, the agent authorized by our Government to receive it, in possession of the establishment, with the right at all times to be reinstated and considered the party in possession, as was explicitly admitted by Lord Castlereagh in the first negotiation between the two governments in reference to the treaty. The words of Mr. Rush, our plenipotentiary on that occasion, in his letter to Mr. Adams, then secretary of state, of the 14th of February, 1818, reporting what passed between him and his lordship, are: "That Lord Castlereagh admitted in the most ample extent our right to be reinstated, and to be the party in possession, while treating of the title." That negotiation terminated in the convention of the 20th of October, 1818, the third article of which is in the following words:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves."

The two acts, the restoration of our possession and the signature of the convention were merely contemporaneous—the latter taking place but fourteen days subsequently to the former. We were then, as admitted by Lord Castlereagh, entitled to be considered as the party in possession; and the convention, which stipulated that the territory should be free and open for the term of ten years from the date of its signatures, to the vessels, citizens and subjects of the two countries, without prejudice to any claim which either party may have to any part of the same, preserved and perpetuated all our claims to the territory, including the acknowledged right to be considered the party in possession, as perfectly during the period of its continuance as they were the day the convention was signed. Of this there can be no doubt. After an abortive attempt to adjust the claims of the two parties to the territory in 1824, another negotiation was commenced in 1826, which terminated in renewing, on the 6th of August, 1827, the third article of the convention of 1818, prior to its expiration. It provided for the indefinite extension of all the provisions of the third article of that convention, and also that either party might terminate it at any time it might think fit, by giving one year's notice after the 20th of October, 1828. It took, however, the precaution of providing that "nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains." That convention is now in force, and has continued to be so since the expiration of that of 1818. By the joint operation of the two, our right to be considered the party in possession, and all the claims we had to the territory while in possession, are preserved in full vigor as they were at the date of its restoration in 1818, without being affected or impaired by the settlements since made by the subjects of Great Britain. Time, indeed, so far from impairing our claims, has greatly strengthened them since that period; for since the treaty of Florida transferred to us all the rights, claims and pretensions of Spain to the whole territory, as has been stated. In consequence of this, our claims to the portion drained by the Columbia river—the point now the subject of consideration—have been much strengthened by giving us the incontestible claim to the discovery of the mouth of the river by Heceta, above stated. But it is not in this particular only that it has operated in our favor. Our well-founded claim, grounded on continuity, has greatly strengthened, during the same period, by the rapid advance of our population towards the territory, as well as the greatly increased facility of passing to the territory by more accessible routes, and the far stronger and rapidly swelling tide of population that has recently commenced flowing into it.

When the first convention was concluded, in 1818, our whole population did not exceed 9,000,000 of people. The portion of it inhabiting the States in the great valley of the Mississippi was probably under 1,700,000, of which not more than 200,000 were on the west side of the river. Now our population may be safely estimated at not less than 19,000,000—of which at least 8,000,000 inhabit the States and Territories in the valley of the Mississippi, and of which upwards of 1,000,000 are in the States and Territories west of that river. This portion of our population is now increasing far more rapidly than ever, and will, in a short time, fill the whole tier of States on the western bank. To this great increase of population, especially in the valley of the Mississippi, may be added the increased facility of reaching the Oregon territory, in consequence of the discovery of the remarkable pass in the Rocky mountains at the head of the La Platte. The depression is so great, and the pass so smooth, that loaded wagons now travel with facility from Missouri to the navigable waters of the Columbia river. These joint causes have had the effect of turning the current of our population towards the territory, and an emigration estimated at not less than 1,000 during the last, and 1,500 during the present year, has flowed into it.

The current thus commenced, will no doubt continue to flow with increased volume hereafter. There can, then, be no doubt now that the operation of the same cause which impelled our population westward from the shores of the Atlantic, across the Alleghany to the valley of the Mississippi, will impel them onward with accumulating forces across the Rocky mountains into the valley of the Columbia, and that the whole region drained by it is destined to be peopled by us.

Such are our claims to that portion of the territory, and the grounds on which they rest. The undersigned believes them to be well founded, and trusts that the British plenipotentiary will see in them sufficient reasons why he should decline his proposal. The undersigned plenipotentiary abstains for the present from presenting the claims which the United States may have to other portions of the territory.

The undersigned avails himself of this occasion to renew to the British plenipotentiary the assurance of his high consideration.

R. PAKENHAM, ESQ., &c. J. C. CALHOUN.

(D.)

(MR. PAKENHAM TO MR. CALHOUN.)

WASHINGTON, September 12, 1844.

The undersigned, British plenipotentiary, has studied with much interest and attention the statement (marked A.) presented by the American plenipotentiary, setting forth the grounds on which he declines the proposals offered by the British plenipotentiary as a compromise of the difficulties of the Oregon question.

The arrangement contemplated by that proposal would, in the estimation of the American plenipotentiary, have the effect of restricting the possessions of the United States to limits far more circumscribed than their claim clearly entitles them to. The claims of the United States to the portion of territory drained by the Columbia river, are divided into those adduced by the United States in their own proper right, and those which they have derived from France and Spain. The former, as against Great Britain, they ground on priority of discovery and priority of exploration and settlement.

The claim derived from France originates in the treaty of 1803, by which Louisiana was ceded to the United States, with all its rights and appurtenances, as fully and in the same manner as they had been acquired by the French Republic; and the claim derived from Spain is founded on the treaty concluded with that power in the year 1819, whereby his Catholic Majesty ceded to the United States all his rights, claims, and pretensions to the territories lying east and north of a certain line terminating on the Pacific, in the 42d degree of north latitude.

Departing from the order in which these three separate claims are presented by the American plenipotentiary, the British plenipotentiary will first beg leave to observe, with regard to the claim derived from France, that he has not been able to discover any evidence tending to establish the belief that Louisiana, as originally possessed by France, afterwards transferred to Spain then retroceded by Spain to France, and ultimately ceded by the latter power to the United States, extended in a westerly direction beyond the Rocky mountains. There is on the other hand, strong reason to suppose that at the time when Louisiana was ceded to the United States, its acknowledged western boundary was the Rocky mountains. Such appears to have been the opinion of President Jefferson, under whose auspices the acquisition of Louisiana was accomplished. In a letter written by him in August, 1805, are to be found the following words:

"The boundaries (of Louisiana), which I deem not admitting question are the high lands on the western side of the Mississippi; enclosing all its waters (the Missouri of course), and terminating in the line drawn from the northwest point of the Lake of the Woods, to the nearest source of the Mississippi, as lately settled between Great Britain and the United States."

In another and more formal document, dated in July, 1807—that is to say, nearly a year after the return of Lewis and Clarke from their expedition to the Pacific, and fifteen years after Gray had entered the Columbia river—is recorded Mr. Jefferson's opinion of the impolicy of giving offense to Spain by any intimation that the claims of the United States extended to the Pacific; and we have the authority of an American historian, distinguished for the attention and research which he has bestowed on the whole subject of the Oregon territory, for concluding that the western boundaries of Louisiana, as it was ceded by France to the United States, were those indicated by nature—namely, the highlands separating the waters of the Mississippi from those falling into the Pacific. From the acquisition then, of Louisiana, as it was received from France, it seems clear that the United States can deduce no claim to that territory west of the Rocky mountains. But, even if it were otherwise, and if France had even possessed or asserted a claim to territory west of the Rocky mountains, as appertaining to the territory of Louisiana, that claim, whatever it might be, was necessarily transferred to Spain when Louisiana was ceded to that Power in 1762, and of course became subject to the provisions of the treaty between Spain and Great Britain of 1790, which effectually abrogated the claim of Spain to exclusive dominion over the unoccupied parts of the American continent.

To the observations of the American plenipotentiary, the effect of continuity in furnishing a claim to territory, the undersigned has not failed to pay due attention; but he submits that what is said on this head may more properly be considered as demonstrating the greater degree of interest, which the United States possess by reason of contiguity in acquiring territory in that direction, than as affecting, in any way, the question of right. The undersigned will endeavor to show hereafter that, in the proposal to put in on the part of Great Britain, the natural expectations of the United States, on the ground of contiguity, have not been disregarded. Next comes to be examined the claim derived from Spain.

It must, indeed, be acknowledged that by the treaty of 1819, Spain did convey to the United States all that she had the power to dispose of on the northwest coast of America, north of the 42d parallel of latitude; but she could not by that transaction annul or invalidate the rights which she had, by a previous transaction, acknowledged to belong to another Power.

By the treaty of 28th of October, 1790, Spain acknowledged in Great Britain certain rights with respect to those parts of the western coast of America not already occupied. This acknowledgment had reference especially to the territory which forms the subject of the present negotiation. If Spain could not make good her own right to exclusive dominion over those regions, still less could she confer such a right on another power; and hence, Great Britain argues, that from nothing deduced from the treaty of 1810 can the United States assert a valid claim to exclusive dominion over any part of Oregon territory. There remains to be considered the claim advanced by the United States on the ground of prior discovery and prior exploration and settlement.

In that part of the memorandum of the American plenipotentiary which speaks of the Spanish title, it is stated that the mouth of the river, afterwards called the

Columbia river, was first discovered by the Spanish navigator Heceta. The admission of this act would appear to be altogether irreconcilable with a claim to priority of discovery from anything accomplished by Captain Gray. To one, and to one only, of those commanders, can be conceded the merit of first discovery. If Heceta's claim is acknowledged, then Captain Gray is no longer the discoverer of the Columbia river. If, on the other hand, preference is given to the achievement of Captain Gray, then Heceta's discovery ceases to be of any value. But it is argued that the United States now represent both titles—the title of Heceta and the title of Gray,—and therefore that under one or the other, it matters not which, enough can be shown to establish a case of prior discovery as against Great Britain. This may be true, as far as relates to the act of first seeing and first entering the mouth of the Columbia river; but, if the Spanish claim to prior discovery is to prevail, whatever rights may thereon be founded are necessarily restricted by the stipulations of the treaty of 1790, which forbid a claim to exclusive possession. If the act of Captain Gray, in passing the bar and actually entering the river, is to supercede the discovery of the entrance—which is all that is attributed to Heceta—then, the principle of progressive or gradual discovery being admitted as conveying, in proportion to the extent of discovery being admitted as conveying in proportion to the extent of discovery or exploration, superior rights, the operations of Vancouver in entering, surveying and exploring to a considerable distance inland, the river Columbia, would, as a necessary consequence, supercede the discovery of Captain Gray, to say nothing of the act of taking possession in the name of his sovereign, which ceremony was duly performed and authentically recorded by Captain Vancouver.

This brings us to an examination of the conflicting claims of Great Britain and the United States on the ground of discovery, which may be said to form the essential point in the discussion, for it has above been shown that the claim derived from France must be considered as of little or no weight, while that derived from Spain, in as far as relates to exclusive dominion, is neutralized by the stipulations of the Nootka convention. It will be admitted that, when the United States became an independent nation, they possessed no claim, direct or indirect, to the Columbia territory. Their western boundary in those days was defined by the treaty of 1783. Great Britain, on the contrary, had at that time already directed her attention to the northwest coast of America, as is sufficiently shown by the voyages and discoveries of Captain Cook, who, in 1778, visited and explored a great portion of it, from latitude 44° northward. That Great Britain was the first to acquire what may be called a beneficial interest in those regions by commercial intercourse will not either be denied. In proof of this fact, we have the voyages of several British subjects, who visited the coast and adjacent islands previously to the dispute with Spain; and that her commerce, actual as well as prospective, in that part of the world was considered a matter of great national importance, is shown by the resolute measures which she took for its protection when Spain manifested a disposition to interfere with it.

The discoveries of Mears, in 1788, and the complete survey of the coast and its adjacent islands, from about latitude 40° northwards, which was affected by Captain Vancouver, in 1792, 1793 and 1794, would appear to give Great Britain, as against the United States, as strong a claim, on the ground of discovery and exploration coastwise, as can well be imagined, limited only by what was accomplished by Captain Gray, at the mouth of the Columbia—which so far as discovery is concerned, forms the strong point on the American side of the question. In point of accuracy and authenticity, it is believed that the performances of Cook and Van couver stand pre-eminently superior to those of any country whose vessels had in those days visited the northwest coast; while in point of value and importance, surely the discovery of a single harbor, although at the mouth of an important river, cannot, as giving a claim to territory, be placed in competiton with the vast extent of discovery and survey accomplished by the British navigators. As regards exploration inland, entire justice must be done to the memorable exploit of MM. Lewis and Clarke; but those distinguished travelers were not the first who effected a passage across the Oregon territory from the Rocky mountains to the Pacific. As far back as 1733, that feat had been accomplished by Mackenzie, a British subject. In the course of this expedition, Mackenzie explored the upper waters of a river called Fraser's river, which in process of time was traced to its junction with the sea, near the 49th degree of latitude; thus forming, in point of exploration, a counterpoise to the exploration of that part of the Columbia which which was first visited by Lewis and Clarke.

Priority of settlement is the third plea on which the American claim proper is made to rest. In 1811, an establishment for the purpose of trade was formed at the south side of the Columbia river, near its mouth, by certain American citizens. This establishment passed during the war into the hands of British subjects; but it was restored to the American Government in the year 1818, by an understanding between the two Governments. Since then it has not, however been really occupied by Americans. This is the case of priority of settlement.

The American plenipotentiary lays some stress on the admission attributed to Lord Castlereagh, then principal secretary of state for foreign affairs, that "the American Government had the most ample right to be reinstated, and to be considered the party in possession while treating of the title." The undersigned is not inclined to dispute an assertion resting on such respectable authority; but he must observe, in the first place, that the reservation implied by the words "while treating of the title," excludes any inferences which might otherwise be drawn from the preceding words prejudicial to the title of Great Britain; and further, that when the authority of the American minister is thus admitted for an observation which is pleaded against England, it is but fair that, on the part of the United States, credit should be given to England for the authenticity of a dispatch from Lord Castlereagh to the British minister at Washington, which was communicated verbally to the Government of the United States, when the restoration of the establishment called Astoria, or Fort George, was in contemplation, containing a complete reservation of the rights of England to the territory at the mouth of the Columbia.—(Statement of the British plenipotentiaries, Dec. 1826.) In fine, the present state of the question between the two Governments appears to be this: Great Britain possesses and exercises in common with the United States a right of joint occupancy in the Oregon territory, of which right she can be divested with respect to any part of that territory, only by an equitable partition of the whole between the two powers. It is for obvious reasons, desirable that such a partition should take place as soon as possible, and the difficulty appears to be in devising a line of demarkation which shall have leave to each party that precise portion of the territory best suited to its interests and convenience.

The British Government entertained the hope that by the proposal lately submitted for the consideration of the American Government, that object would have been accomplished. According to the arrangement therein contempiated, the northern boundary of the United States, west of the Rocky mountains, would, for a considerable distance, be carried along the same parallel of latitude which forms their northern boundary of the eastern side of these mountains—thus uniting the present eastern boundary of the Oregon territory with the western boundary of the United States, from the 49th parallel downwards. From the point where the 49th degree of latitude intersects the northeastern branch of the Columbia river (called in that part of its course, McGillvary's river), the proposed line of boundary would be along the middle of that river till it joins the Columbia; then along the middle of the Columbia to the ocean—the navigation of the river remaining perpetually free to both parties. In addition, Great Britain offers a separate territory on the Pacific, possessing an excellent harbor, with a further understanding that any port or ports, whether on Vancouver's island, or on the continent south of the 49th parallel, to which the United States might desire to have access, shall be made free ports. It is believed, that by this arrangement ample justice would be done to the claim of the United States on whatever ground advanced, with relation to the Oregon territory. As regards extent of territory, they would obtain acre for acre, nearly half of the entire territory to be divided. As relates to the navigation of the principal river, they would enjoy a perfect equality of right with Great Britain; and with respect to harbors, it will be seen that Great Britain shows every disposition to consult their convenience in that particular. On the other hand, were Great Britain to abandon the line of the Columbia as a frontier, and to surrender her right to the navigation of that river, the prejudice occasioned to her by such an arrangement would, beyond all proportion, exceed the advantage accruing to the United States from the possession of a few square miles of territory. It must be obvious to every impartial investigator of the subject, that, in adhering to the line of the Columbia, Great Britain is not influenced by motives of ambition, with reference to extent of territory, but by considerations of utility, not to say necessity, which cannot be lost sight of, and for which allowance ought to be made, in an arrangement professing to be based on considerations of mutual convenience and advantage.

The undersigned believes he has now noticed all the arguments advanced by the American plenipotentiary, in order to show that the United States are fairly entitled to the entire region drained by the Columbia river. He sincerely regrets that their views on this subject should differ in so many essential respects. It remains for him to request that, as the American plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question, and more especially that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory, to which allusion is made in the concluding part of his statement, as it is obvious that no arrangement can be made with respect to a portion of the territory in dispute, while a claim is reserved to any portion of remainder

The undersigned British plenipotentiary has the honor to renew to the American plenipotentiary the assurance of his high consideration.

R. PAKENHAM.

(B.)

(MR. CALHOUN TO MR. PAKENHAM.)

DEPARTMENT OF STATE,
WASHINGTON, 20th September, 1844.

The undersigned American plenipotentiary, has read with attention the counter statement of the British plenipotentiary, but without weakening his confidence in the validity of the title of the United States to the territory, as set forth in his statement (marked A.) As therein set forth, it rests, in the first place, on priority of discovery, sustained by their own proper claims, and those derived from Spain through the treaty of Florida. The undersigned does not understand the counter-statement as denying that the Spanish navigators were the first to discover and explore the entire coast of the Oregon territory; nor that Heceta was the first who discovered the mouth of the Columbia river; nor that Captain Gray was the first to pass its bar, enter its mouth, and sail up its stream; nor that these jointly held by the United States, would give them the priority of discovery which they claim. On the contrary, it would seem that the counter-statement, from the ground it takes, admits such would be the case on that supposition; for it assumes that Spain, by the Nootka Sound convention in 1790, divested herself of all claims to the territory, founded on the prior discovery and explorations of her navigators, and that she could consequently transfer none to the United States by the treaty of Florida. Having put aside the claims of Spain by this assumption, the counter-statement next attempts to oppose the claims of the United States by those founded on the voyages of Captains Cook and Meares, and to supersede the discovery of Captain Gray, on the ground that Vancouver sailed further up the Columbia river than he did, although he effected it by the aid of his discoveries and charts. It will not be expected of the undersigned that he should seriously undertake to repel what he is constrained to regard as a mere assumption, unsustained by any reason. It is sufficient, on his part, to say that in his opinion, there is nothing in the Nootka Sound convention, or in the transactions which led to it, or in the circumstances attending it, to warrant the assumption. The convention relates wholly to other subjects, and contains not a word in reference to the claims of Spain. It is on this assumption that the counter-statement rests its objection to the well founded American claims to priority of discovery. Without it, there would not be a plausible objection left to them.

The two next claims on which the United States rests their title to the territory, as set forth in statement (A.), are founded on their own proper right, and cannot possibly be affected by the assumed claims of Great Britain, derived from the Nootka convention. The first of these is priority of discovery and exploration of the headwaters and upper portions of the Columbia river by Lewis and Clarke; by which that great stream was first brought to the knowledge of the world, with the exception of a small portion near the ocean, including its mouth. This counter-statement admits; but attempts to set off against it the prior discovery of Mackenzie of the headwaters of the Frazer's river—quite an inferior stream, which drains the northern portion of the territory. It is clear that, whatever right Great Britain may derive from his discovery, it can, in no degree, affect the right of the United States in the region drained by the Columbia, which may be emphatically called the river of the territory.

The next of these, founded on their own proper right, is priority of settlement. It is not denied by the counter-statement, that we formed the first settlements in the portion of the territory drained by the Columbia river; nor does it deny that Astoria, the most considerable of them, was restored, under the third article of the treaty of Ghent, by agents on the part of Great Britain, duly authorized to make the restoration, to an agent on the part of the United States duly authorized to receive it. Nor does it deny that, in virtue thereof, they have the right to be reinstated, and considered the party in possession while treating of the title, as was admitted by Lord Castlereagh in the negotiation of 1818; nor that the convention of 1818, signed a few days after the restoration, and that of 1827, which is still in force, have preserved and perpetuated until now all the rights they possessed to the territory at the time, including that of being reinstated and considered the party in possession while the question of title is depending, as is now the case. It is true, it attempts to weaken the effect of those implied admissions—in the first place, by designating positive treaty stipulations as "an understanding between two Governments;" but a change of phraseology cannot possibly transform treaty obligations into a mere understanding; and, in the next place, by stating that we have not, since the restoration of Astoria, actually occupied it, but that cannot possibly affect our right to be reinstated, and to be considered in possession, secured to us by the treaty of Ghent, implied in the act of restoration, and since preserved by positive treaty stipulations. Nor can the remarks of the counter-statement in reference to Lord Castlereagh's admission weaken our right of possession, secured by the treaty, and its formal and unconditional restoration by duly authorized agents.

It is in these, and not on the denial of the authenticity of Lord Castlereagh's dispatch, that the United States rests their right of possession, whatever verbal communication the British minister may have made at the time to our Secretary of State; and it is on these that they may safely rest it, setting aside altogether the admission of Lord Castlereagh. The next claims on which our title to the territory rests are those derived from Spain by the treaty ceding Louisiana to the United States, including those she derived from Great Britain by the treaty of 1763. It established the Mississippi as "the irrevocable boundary between the territories of France and Great Britain;" and thereby the latter surrendered to France all her claims on this continent west of that river, including of course, all within the chartered limits of her colonies, which extended to the Pacific ocean. On these, united with those of France as the possessor of Louisiana, we rest our claim of continuity, as extending to that ocean, without an opposing claim, except that of Spain, which we have since acquired, and consequently removed, by the treaty of Florida. The existence of these claims the counter statement denies, on the authority of Mr. Jefferson; but, as it appears to the undersigned, without adequate reasons. He does not understand Mr. Jefferson as denying that the United States acquired any claim to the Oregon territory by the acquisition of Louisiana, either in his letter of 1803, referred to by the counter-statement, and from which it also refers. It is manifest, from the extract itself, that the object of Mr. Jefferson was not to state the extent of the claims acquired with Louisiana, but simply to state how far its unquestioned boundaries extended; and these he limits westwardly by the Rocky mountains. It is, in like manner, manifest from the document, as cited by the counter-statement, that his object was not to deny that our claims extended to the territory, but simply to express his opinion of the impolicy, in the then state of our relations with Spain, of bringing them forward. This, so far from denying that we had claims, admits them by the clearest implication. If, indeed, in either case, his opinion had been equivocally expressed, the prompt measures adopted by him to explore the territory, after the treaty was negotiated, but before it was ratified, clearly show that it was his opinion not only that we had acquired claims to it, but highly important claims, which deserved prompt attention. In addition to this denial to our claims of the territory on the authority of Mr. Jefferson, which the evidence relied on does not seem to sustain, the counter-statement intimates an objection to continuity as the foundation of a right, on the ground that it may more properly be considered (to use his own words) as demonstrating the greater degree of the interest which the United States possessed by reason of contiguity, in acquiring territory in a westward direction. Contiguity may, indeed, be regarded as one of the elements constituting the right of continuity—which is more comprehensive—and is necessarily associated with the right of occupancy, as has been shown in statement A. It also shows that the laws which usage has established in the application of the right to this continent, gave to the European settlements on its eastern coasts an indefinite extension westward. It is now too late for Great Britain to deny a right on which she has acted so long, and by which she has profited so much; or to regard it as a mere facility, not affecting in any way the question of right. On what other right has she extended her claims westwardly to the Pacific ocean from her settlements around Hudson's Bay? or expelled France from the east side of the Mississippi, in the war which terminated in 1763?

As to the assumption of the counter-statement, that Louisiana, while in the possession of Spain, became subject to the Nootka Sound convention—which, it is alleged, abrogated all rights of Spain to the territory, including those acquired with Louisiana—it will be time enough to consider it, after it shall be attempted to be shown that such, in reality was the effect. In the meantime the United States must continue to believe that they acquired from France, by treaty of Louisiana, important and substantial claims to the territory. The undersigned cannot assent to the conclusion to which, on a review of the whole ground, the counter-statement arrives, that the present state of the question is, that Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon territory, of which she can be divested only by an equitable partition of the whole between the two Powers. He claims, and he thinks he has shown, a clear title on the part of the United States to the whole region drained by the Columbia, with the right of being reinstated and considered the party in possession, while treating of the title—in which character he must insist on their being considered, in conformity with positive treaty stipulations. He cannot, therefore, consent that they shall be regarded, during the negotiation, merely as occupants in common with Great Britain. Nor can he, while thus regarding their rights, present a counter-proposal, based on the supposition of a joint occupancy merely, until the question of title to the territory is fully discussed. It is, in his opinion, only after such discussion, which shall fully present the titles of the parties respectively to the territory, that their claims to it can be fairly and satisfactorially adjusted. The United States desire only what they deem themselves justly entitled to; and are unwilling to take less.

With their present opinion of their title, the British plenipotentiary must see that the proposal which he made at the second conference, and which he more fully sets forth in his counter-statement, falls far short of what they believe themselves justly entitled to. In reply to the request of the British plenipotentiary, that the undersigned should define the nature and extent of the claims which the United States have to the other portions of the territory, and to which allusion is made in the concluding part of document A., he has the honor to inform him, in general terms, that they are derived from Spain by the Florida treaty, and are founded on the discoveries and explorations of her navigators; and which they must regard as giving them a right to the extent to which they can be established, unless a better can be opposed.

THE RIGHT HON. R. PAKENHAM. J. C. CALHOUN,

(J. B.)

(MR. BUCHANAN TO MR. PAKENHAM.)

DEPARTMENT OF STATE,
WASHINGTON, July 12th, 1845.

The undersigned, Secretary of State of the United States, now proceeds to resume the negotiations on the Oregon question, at the point where it was left by his predecessor. The British plenipotentiary, in his note to Mr. Calhoun of the 12th September last, requests that "as the American plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question; and more especially that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory, to which allusion is made in the concluding part of his statement, as it is obvious that no arrangement can be made with respect to a part of the territory in dispute while a claim is reserved to any portion of the remainder." The Secretary of State will now proceed (reversing the order in which these requests have been made), in the first place, to present the title of the United States to the territory north of the valley of the Columbia; and will then propose, on the part of the President, the terms upon which, in his opinion, this long pending controversy may be justly and equitably terminated between the parties.

The title of the United States to that portion of the Oregon territory between the valley of the Columbia and the Russian line, in 54° 40′ north latitude, is recorded in the Florida treaty. Under this treaty, dated on the 22d February, 1819, Spain ceded to the United States all her "rights, claims and pretensions" to any territories west of the Rocky mountains and north of the 32d parallel of latitude. We contend that, at the date of this cession, Spain had a good title, as against Great Britain, to the whole Oregon territory; and, if this be established, the question is decided in favor of the United States. But the American title is now encountered at every step by declarations that we hold it subject to all the conditions of the Nootka Sound convention between Great Britain and Spain, signed at the Escurial on the 28th of October, 1790. Great Britain contends that, under this convention, the title of Spain was limited to a common right of joint occupancy with herself over the whole territory. To employ the language of the British plenipotentiary: "If Spain could not make good her own right of exclusive dominion over those regions, still less could she confer such a right on another power; and hence Great Britain argues that from nothing deduced from the treaty of 1819 can the United States assert a valid claim to exclusive dominion over any part of the Oregon territory."

Hence it is that Great Britain, resting her pretensions on the Nootka Sound convention, has necessarily limited her claim to a mere right of joint occupancy over the whole territory, in common with the United States, as the successor of Spain, leaving the right of exclusive dominion in abeyance. It is, then, of the first importance that we should ascertain the true construction and meaning of the Nootka Sound convention. If it should appear that this treaty was transient in its very nature—that it conferred upon Great Britain no right but that of merely trading with the Indians while the country should remain unsettled, and making the necessary establishments for this purpose—that it did not interfere with the ultimate sovereignty of Spain over the territory; and, above all, that it was annulled by the war between Spain and Great Britain in 1796, and has never since been renewed by the parties—then the British claim to any portion of this territory will prove to be destitute of any foundation. It is unnecessary to detail the circumstances out of which this convention arose. It is sufficient to say that John Meares, a British subject, sailing under the Portuguese flag, landed at Nootka Sound, in 1788, and made a temporary establishment there for the purpose of building a vessel; and that the Spaniards, in 1789, took possession of this establishment, under the orders of the Viceroy of Mexico, who claimed for Spain the exclusive sovereignty of the whole territory on the northwest coast of America up to the Russian line.

Meares appealed to the British Government for redress against Spain, and the danger of war between the two nations became imminent. This was prevented by the conclusion of the Nootka Sound convention. That convention provides, by its first and second articles, for the restoration of the lands and buildings of which the subjects of Great Britain had been dispossessd by the Spaniards, and the payment of an indemnity for the injuries sustained. This indemnity was paid by Spain; but sufficient evidence has been adduced, that neither Nootka Sound, or any other spot upon the coast, was ever actually surrendered by that Power to Great Britain. All we know with certainty is, that Spain continued in possession of Nootka Sound until 1795, when she voluntarily abandoned the place.

Since that period, no attempt has been made (unless very recently) by Great Britain or her subjects, to occupy either this or any other part of Vancouver's Island. It is thus manifest, that she did not formerly attach much importance to the exercise of the rights, whatever they may have been, which she had acquired under the Nootka Sound convention. The only other portion of this convention important for the present discussion will be be found in the third and fifth articles. They are as follows; "Art. 3. In order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific ocean or in the South Sea, or in landing on the coast of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the three following articles." The material one of which is—"Art. 5. As well in the places which are to be restored to the British subjects, by virtue of the first article, as in all other parts of the northwestern coasts of North America, or of the islands adjacent, situate to the north parts of the said coast already occupied by Spain, whenever the subjects of either of the two Powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

It may be observed as a striking fact which must have an important bearing against the claim of Great Britain, that this convention, which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that Power had asserted for nearly three centuries over the whole western side of North America as far north as the 61st degree of latitude, and which had never been seriously questioned by any European nation. This right has been maintained by Spain with the most vigilant jealousy ever since the discovery of the American continent, and had been acquiesced in by all European Governments. It had been admitted even beyond the latitude of 54° 40′ north by Russia, then the only Power having claims which come in collision with Spain; and that too under a sovereign peculiarly tenacious of the territorial rights of her empire. This will appear from the letter of Count de Fernan Nunez, the Spanish embassador at Paris, to M. de Montmorin, the Secretary of the Foreign Department of France, dated Paris, June 16, 1790. From this letter, it seems that complaints had been made by Spain to the court of Russia against Russian subjects for violating the Spanish territory on the northwest coast of America, south of the 61st degree of north latitude; in consequence of which, that court, without delay, assured the King of Spain "that it was extremely sorry that the repeated orders issued to prevent the subjects of Russia from violating in the smallest degree, the territory belonging to another Power, should have been disobeyed."

This convention of 1790 recognizes no right in Great Britain, either present or prospective, to plant permanent colonies on the northwest coast of America, or to exercise such exclusive jurisdiction over any portion of it as is essential to sovereignty. Gerat Britain obtained from Spain all she then desired—a mere engagement that her subjects should "not be disturbed or molested" "in landing on the coasts of those seas in places already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." What kind of settlements? This is not specified; but surely their character and duration are limited by the object which the contracting parties had in view. They must have been such only as were necessary and proper "for the purpose of carrying on commerce with the natives of the country." Were these settlements intended to expand into colonies, to expel the natives, to deprive Spain of her sovereign rights, and to confer the exclusive jurisdiction over the whole territory on Great Britain? Surely, Spain never designed any such results; and if Great Britain has obtained these concessions by the Nootka Sound convention, it has been by the most extraordinary construction ever imposed upon human language. But this convention also stipulates that these settlements which might be made by the one party "the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation." What trade? Certainly that "with the natives of the country." as prescribed in the third article; and this, from the very nature of things, could continue only while the country should remain in the possession of the Indian. On no other construction can this convention escape from the absurdities attributed to it by British statesmen, when under discussion before the House of Commons. "In every place in which we might settle (said Mr.—afteward Earl—Grey), access was left for the Spaniards. When we might form a settlement on one hill, they might erect a fort on another; and a merchant must run all the risks of a discovery, and all the expenses of an establishment, for a property which was liable to be the subject of continual dispute, and could never be placed upon a permanent footing." Most certainly, this treaty was, in its very nature, temporary; and the rights of Great Britain under it were never intended to "be placed upon a permanent footing." It was to endure no longer than the existence of those peculiar causes, which called it into being. Such a treaty creating British and Spanish settlements intermingled with each other, and dotted over the whole surface of the territory, wherever a British or Spanish merchant could find a spot favorable for trade with the Indians, never could have been intended for a permanent arrangement between civilized nations. But whatever may be the true construction of the Nootka Sound convention, it has, in the opinion of the undersigned, long since ceased to exist.

The general rule of national law is, that war terminates all subsisting treaties between the belligerant powers. Great Britain has maintained this rule to its utmost extent. Lord Bathurst, in negotiating with Mr. Adams, in 1815, says, "that Great Britain knows of no exception to the rule that all treaties are put an end to by subsequent war between the same parties." Perhaps the only exception to this rule—if such it may be styled—is that of a treaty recognizing certain sovereign rights as belonging to a nation, which had previously existed, independently of any treaty engagement. These rights, which the treaty did not create, but merely acknowledged, cannot be destroyed by war between the parties. Such was the acknowledgment of the fact, by Great Britain, under the definitive treaty of 1783, that the United States were "free, sovereign, and independent." It will scarcely be contended that the Nootka Sound convention belongs to this class of treaties. It is difficult to imagine any case in which a treaty containing mutual engagements, still remaining unexecuted, would not be abrogated by war. The Nootka Sound convention is strictly of this character.

The declaration of war, therefore, by Spain against Great Britain, in October, 1796, annulled its provisions, and freed the parties from its obligations. The whole treaty consisted of mutual express engagements to be performed by the contracting parties. Its most important article (the third), in reference to the present discussion, does not even grant, in affirmative terms, the right to the contracting parties to trade with the Indians, and to make settlements. It merely engages in negative terms, that the subjects of the contracting parties "shall not be disturbed or molested," in the exercise of these treaty privileges. Surely this is not such an engagement as will continue to exist in despite of war between the parties. It is gone forever, unless it has been revived in express terms by the treaty of peace, or some other treaty between the parties. Such is the principle of public law, and the practice of civilized nations. Has the Nootka Sound convention been thus revived? This depends entirely upon the true construction of the additional articles to the treaty of Madrid, which was signed on the 28th of August, 1814, and contained the only agreement between the parties since the war of 1796, for the renewal of engagements existing previous to the latter date. The first of the additional articles of this treaty provides as follows: "It is agreed that pending the negotiation of a new treaty of commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previous to 1796; all the treaties of commerce which at that period subsisted between the two nations being hereby ratified and confirmed."

The first observation to be made upon this article is, that it is confined in terms to the trade with Spain, and does not embrace her colonies or remote territories. These had always been closed against foreigners. Spain had never conceded the privilege of trading with her colonies to any nation, except in the single instance of the Asiento, which was abrogated in 1740; nor did any of the treaties of commerce which were in force between the two nations previous to 1795, make such a concession to Great Britain. That this is the true construction of the first additional article of the treaty of Madrid, appears conclusively from another part of the instrument. Great Britain, by an irresistible inference, admitted that she had acquired no right under it to trade with the colonies, or remote territories of Spain when she obtained a stipulation in the same treaty, that, "in the event of the commerce of the Spanish American possessions being opened to foreign nations. His Catholic Majesty promises that Great Britain shall be admitted to trade with those possessions as the most favored nations." But even if the first additional article of the treaty of 1814 were not thus expressly limited to the revival of the trade of Great Britain with the kingdom of Spain in Europe, without reference to any other portion of her dominions, the Nootka Sound convention can never be embraced under the denomination of a treaty of commerce between the two Powers. It contains no provision whatever to grant or to regulate trade between British and

Spanish subjects. Its essential Part, so far as concerns the present question, relates not to any trade or commerce between the subjects of the respective Powers; it merely prohibits the subjects of either from disturbing or molesting those of the other in trading with third parties—the natives of the country. The "grant of making settlements," whether understood in its broadest or most restricted sense, relates to territorial acquisition, and not to trade or commerce in any imaginable form.

The Nootka Sound Convention, then, cannot in any sense, be considered a treaty of commerce and not therefore revived by the treaty of Madrid of 1814. When the war commenced between Great Britain and Spain in 1796, several treaties subsisted between them, which were, both in title and substance, treaties of commerce. These, and these alone, were revived by the treaty of 1814. That the British Government itself had no idea in 1818 that the Nootka Sound convention was then in force, may be fairly inferred from their silence upon the subject during the whole negotiation of that year on the Oregon question. This convention was once referred to by the British Plenipotentiaries. They then rested their claims upon other foundations. Surely that which is now their main reliance would not have escaped the observation of such statesmen had they then supposed it was in existence. In view of all these considerations, the undersigned respectfully submits that if Great Britain has valid claims to any portion of the Oregon territory, they must rest upon a better foundation than that of the Nootka Sound convention.

It is far from the intention of the undersigned to repeat the argument by which his predecessor (Mr. Calhoun) has demonstrated the American title "to the centre region drained by the Columbia river and its branches. He has shown that to the United States, belongs the discovery of the Columbia river, and that Captain Gray was the first civilized man who ever entered its mouth and sailed up its channel, baptizing the river itself with the name of his vessel; that Messrs. Lewis and Clarke, under a commission from their Government, first explored the waters of this river almost from its head springs to the Pacific, passing the winter of 1805 and 1806, on its northern shores near the ocean; that the first settlement upon this river was made by a citizen of the United States, at Astoria; and that the British Government solemnly recognized our rights to the possession of this settlement, which had been captured during the war, by surrendering it to the United States on the 6th day of October, 1818, in obedience to the treaty of Ghent.

If the discovery of the mouth of a river, followed up within a reasonable time by the first exploration, both of its main channel and its branches, and appriated by the first settlements on its banks, do not constitute a title to the territory drained by its waters in the nation performing these acts, then the principles consecrated by the practice of civilized nations ever since the discovery were necessary to preserve the peace of the world. Had they not been enforced in practice, clashing claims to newly discovered territory, and perpetual strife among nations, would have been the inevitable result. The title of the United States to the entire region drained by the Columbia river and its branches, was perfect and complete before the date of the treaties of joint occupation of October, 1818, and August, 1827; and under the express provisions of these treaties, this title, while they endure, can never be impaired by any act of the British Government. In the strong languange of the treaty of 1827. "nothing contained in this convention, or in the third article of the convention of 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky mountains."

Had not the convention contained this plain provision, which has prevented the respective parties from looking with jealousy on the occupation of portions of the territory by the citizens and subjects of each other, its chief object—which was to preserve peace and prevent collisions in those distant regions—would have been entirely defeated. It is then manifest that neither the grant of this territory for a term of years, made by Great Britain to the Hudson's Bay Company in December, 1821, nor the extension of this grant in 1838, nor the settlements, trading posts, and forts, which have been established by that company under it, can, in the slightest degree, strengthen the British, or impair the American title to any portion of the Oregon territory. The British claim is neither better nor worse than it was on the 29th October, 1818, the date of the first convention.

The title of the United States to the valley of the Columbia is older than the Florida treaty of Feburary, 1819, under which the United States acquired all the rights of Spain to the northwest coast of America, and exists independently of its provisions. Even supposing, then, that the British construction of the Nootka Sound convention were correct, it could not apply to this portion of the territory in dispute. A convention between Great Britain and Spain, originating from a dispute concerning a petty trading establishment at Nootka Sound, could not abridge the rights of other nations. Both in public and private law, an agreement between two parties can never bind a third, without his consent, express or implied. The extraordinary propositon will scarcely be again urged, that our acquisition of the rights of Spain under the Florida treaty can in any manner weaken or impair our pre-existing title. It may often become expedient for nations, as it is for individuals, to purchase an outstanding title merely for the sake of peace; and it has never heretofore been imagined that the acquisition of such a new title rendered the old less valid. Under this principle, a party having two titles would be confined to his worst, and forfeit his best. Our acquisition of the rights of Spain, then, under the Florida treaty, while it cannot affect the prior title of the United States to the valley of Columbia, has rendered it more clear and unquestionable before the world. We have a perfect right to claim under both these titles; and the Spanish title alone, even if it were necessary to confine ourselves to it, would, in the opinion of the President, be good as against Great Britain, not merely to the valley of the Columbia, but the whole territory of Oregon. Our own American title, to the extent of the valley of the Columbia, resting as it does on discovery, exploration, and possession—a possession acknowledged by a most solemn act of the British Government itself—is sufficient assurance against all mankind; while our superadded title derived from Spain extends our exclusive right over the whole territory in dispute as against Great Britain.

Such being the opinion of the President in regard to the title of the United States, he would not have consented to yield any portion of the Oregon territory had he not found himself embarrassed, if not committed, by the acts of his predecessor. They had uniformly proceeded upon the principle of compromise in all their negotiations. Indeed, the first question presented to him, after entering upon the duties of his office, was, whether he should abruptly terminate the negotiation which had been commenced and conducted between Mr. Calhoun and Mr. Pakenham on the principle avowed in the first protocol, not of contending for the whole territory in dispute, but of treating of the respective claims of the parties, "with the view to establish a permanent boundary between the two countries westward of the Rocky mountains." In view of these facts, the President has determined to pursue the present negotiation to its conclusion upon the principle of compromise in which it commenced, and to make one more effort to adjust this long pending controversy.

In this determination he trusts that the British Government will recognize his sincere and anxious desire to cultivate the most friendly relations between the two countries, and to manifest to the world that he is actuated by a spirit of moderation. He has, therefore, instructed the undersigned again to propose to the Government of Great Britain that the Oregon territory shall be divided between the two countries by the 49th parallel of north latitude from the Rocky mountains to the Pacific ocean; offering, at the same time, to make free to Great Britain any port or ports on Vancouver's Island south of this parallel, which the British Government may desire. He trusts that Great Britain may receive this proposition in the friendly spirit by which it was dictated, and that it may prove the stable foundation of lasting peace and harmony between the two countries. The line proposed will carry out the principle of continuity equally for both parties, by extending the limits both of ancient Louisiana and Canada to the Pacific along the same parallel of latitude which divides them east of the Rocky mountains; and it will secure to each a sufficient number of commodious harbors on the northwest coast of America.

The undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his distinguished consideration.

THE RIGHT HON. R. PAKENHAM. JAMES BUCHANAN.

(MR. PAKENHAM TO MR. BUCHANAN.)

(R.P.)

WASHINGTON, July 29, 1845.

Notwithstanding the prolix discussion which the subject has already undergone, the undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, feels obliged to place on record a few observations in reply to the statement marked J. B., which he had the honor to receive on the 16th of this month, from the hands of the Secretary of State of the United States for the settlement of the Oregon question.

In this paper it is stated that "the title of the United States to that portion of Oregon territory between the valley of the Columbia, and the Russian line, in 54° 40′ north latitude, is recorded in the Florida treaty. Under this treaty, dated on 22d February, 1819, Spain ceded to the United States all her rights, claims, and pretensions to any territories west of the Rocky mountains, and north of the 42d parallel of latitude." "We contend," says the Secretary of State, "that at the date of this convention Spain had a good title, as against Great Britain, to the whole of Oregon territory, and, if this be established, the question is then decided in favor of the United States," the convention between Great Britain and Spain, signed at the Escurial, on the 28th of October, 1790, notwithstanding. "If," says the American Plenipotentiary, "it should appear that this treaty was transient in its very nature; that it conferred upon Great Britain no right but that of merely trading with the Indians, whilst the country should remain unsettled, and making the necessary establishments for this purpose; that it did not interfere with the ultimate sovereignty of Spain over the territory; and, above all, that it was annulled by the war between Spain and Great Britain in 1796, and has never since been renewed by the parties, that the British claim to any portion of the terrtiory will prove to be destitute of foundation."

The undersigned will endeavor to show, not only that when Spain concluded with the United States the treaty of 1819, commonly called the Florida treaty, the convention concluded between the former Power and Great Britain, in 1790, was considered by the parties to it to be still in force; but even that, if no such treaty had ever existed, Great Britain would stand, with reference to a claim to the Oregon territory, in a position at least as favorable as the United States.

The treaty of 1790 is not appealed to by the British Government, as the American Plenipotentiary seems to suppose, as their "main reliance" in the present discussion; it is appealed to, to show that, by the treaty of 1819, by which "Spain ceded to the United States all her rights, claims, and pretensions, to any territories west of the Rocky mountains, and north of the 42d parallel of latitude," the United States acquired no right to exclusive domain over any part of the Oregon territory. The treaty of 1790 embraced in fact, a variety of objects. It partook in some of its stipulations of the nature of a commercial convention; in other respects it must be considered as an acknowledgment of existing rights, an admission of certain principles of international law, not to be revoked at the pleasure of either party or to be set aside by a cessation of friendly relations between them. Viewed in the former light, its stipulations might have been considered as cancelled in consequence of the war which subsequently took place between the contracting parties, were it not by treaty concluded at Madrid, on the 28th of August, 1814, it was declared that all the treaties of commerce which subsisted between the two nations (Great Britain and Spain) in 1796 were thereby ratified and confirmed. In the latter point of view, the restoration of a state of peace was of itself sufficient to restore the admissions contained in the convention of 1790 to their full original force and vigor. There are, besides, very positive reasons for concluding that Spain did not consider the stipulations of the Nootka convention to have been revoked by the war of 1796, so as to require, in order to be binding on her, that they should have been expressly revived or renewed on the restoration of peace between the two countries. Had Spain considered that convention to have been annulled by the war; in other words, had she considered herself restored to her former position and pretensions with respect to the exclusive dominion over the unoccupied parts of the North American continent, it is not to be imagined that she would have passively submitted, to see the contending claims of Great Britain and the United States to a portion of that territory, the subject of negotiation and formal diplomatic transactions between those two nations. It is, on the contrary, from her silence with respect to the continued occupation by the British of their settlements in the Columbia territory, subsequently to the convention of 1814, and when, as yet, there had been no transfer of her rights, claims, or pretensions to the United States; and from her silence also, while important negotiations respecting the Columbia territory, incompatible altogether with her ancient claim to exclusive dominion, were in progress between Great Britain and the United States, fairly to be inferred that Spain considered the stipulations of the Nootka convention, and the principles therein laid down, to be still in force. But the American Plenipotentiary goes so far as to say that the British Government itself had no idea, in 1818, that the Nootka Sound convention was then in force, because no reference was made to it on the part of England during the negotiation of that year on the Oregon question.

In reply to this argument it will be sufficient for the undersigned to remind the American Plenipotentiary that in the year 1818 no claim, as derived from Spain, was or could be put forth by the United States, seeing that it was not until the following year (the year 1819), that the treaty was concluded by which Spain transferred to the United States her rights, claims, and pretensions to any territory west of the Rocky mountains, and north of the 42d parallel of latitude. Hence, it is obvious that in the year 1818, no occasion had arisen for appealing to the qualified nature of the rights, claims, and pretensions so transferred—a qualification imposed or at least recognized, by the convention of Nootka. The title of the United States to the valley of the Columbia, the American Plenipotentiary observes, is older than the Florida treaty of February, 1819, and exists independently of its provisions.

Even supposing, then, that the British construction of the Nootka Sound convention was correct, it could not apply to this portion of the territory in dispute. The undersigned must be permitted respectfully to inquire upon what principle, unless it be upon the principle which forms the foundation of the Nootka convention, could the United States have acquired a title to any part of the Oregon territory, previously to the treaty of 1819, and independently of its provisions? By discovery, exploration, settlement, will be the answer. But, says the American Plenipotentiary, in another part of this statement, the rights of Spain to the west coast of America, as far north as the 61° latitude, were so complete as never to have been seriously questioned by any European nation.

They have been maintained by Spain with the most vigilant jealousy, ever since the discovery of the America continent, and had been acquiesced in by all European Powers. They had been admitted even by Russia, and that, too, under a sovereign peculiarly tenacious of the territorial rights of her empire, who, when complaints had been made to the court of Russia against Russian subjects, for violating the Spanish territory on the northwest coast of America, did not hesitate to assure the King of Spain that she was extremely sorry that the repeated orders issued to prevent the subjects of Russia from violating, in the smallest degree, the territory belonging to another Power should have been disobeyed. In what did this alleged violation of territory consist: assuredly in some attempted acts of discovery, exploration, or settlement.

At that time Russia stood in exactly the same position with reference to the exclusive rights of Spain as the United States; and any acts in contravention of those rights, whether emanating from Russia or from the United States, would necessarily be judged by one and the same rule. How then can it be pretended that acts which, in the case of Russia, were considered as criminal violation of the Spanish territory, should, in the case of citizens of the United States be appealed to as constituting a valid title to the territory affected by them; and yet from this inconsistency the American Plenipotentiary cannot escape, if he persist in considering the American title to have been perfected by discovery, exploration, and settlement, when as yet Spain had made no transfer of her rights, if, to use his own words, "that title is older than the Florida treaty, and exists independently of its provisions. According to the doctrine of exclusive dominion, the exploration of Lewis and Clarke, and the establishment founded at the mouth of the Columbia, must be condemned as encroachments on the territorial rights of Spain. According to the opposite principle, by which discovery, exploration, and settlement are considered as giving a valid claim to territory, those very acts are referred to in the course of the same paper as constituting a complete title in favor of the United States. Besides, how shall we reconcile this high estimation of the territorial rights of Spain, considered independently of the Nootka Sound convention, with the course observed by the United States in their diplomatic transactions with Great Britain, previously to the conclusion of the Florida treaty? That claim advanced for the restitution of Fort George, under the first article of the treaty of Ghent; the arrangement concluded for the joint occupation of the Oregon territory by Great Britain and the United States; and, above all, the proposal actually made on the part of the United States for a partition of the Oregon territory; all which transactions took place in the year 1818, when as yet Spain had made no transfer or cession of her rights,—appear to be as little reconcilable with any regard for these rights, while still vested in Spain, as the claim founded on discovery, exploration, and settlement, accomplished previously to the transfer of those rights to the United States. Supposing the arrangement proposed in the 1818, or any other arrangement for the partition of the Oregon territory, to have been concluded in those days, between Great Britain, and this country, what would, in that case, have become of the exclusive rights of Spain? There would have been no refuge for the United States but in an appeal to the principles of the Nootka convention. To deny the then validity of the Nootka convention, is to proclaim the illegality of any title founded on discovery, exploration, or settlement, previous to the conclusion of the Florida treaty. To appeal to the Florida treaty as conveying to the United States any exclusive rights, is to attach a character of encroachment and of violation of the rights of Spain to every act to which the United States appealed in the negotiation of 1818, as giving them a claim to territory on the northwest coast. These conclusions appear to the undersigned to be irresistible.

The United States can found no claim on discovery, exploration, and settlement, effected previously to the Florida treaty, without admitting the principles of the Nootka convention, and the consequent validity of the parallel claims of Great Britain founded on like acts; nor can they appeal to any exclusive right as acquired by the Florida treaty, without upsetting all claims adduced in their own proper right, by reason of discovery, exploration, and settlement, antecedent to that arrangement. The undersigned trusts that he has now shown that the convention of 1790 (the Nootka Sound convention), has continued in full force up to the present moment. By reason, in the first place, of the commercial character of some of its provisions, as such expressly renewed by the convention of August, 1814, between Great Britain and Spain. By reason, in the next place, of the acquiescence of Spain in various transactions, to which it is not to be supposed that that Power would have assented, had she not felt bound by the provisions of the convention in question. And, thirdly, by reason of repeated acts of the Government of the United States, previous to the conclusion of the Florida treaty, manifesting adherence to the principles of the Nootka convention, or at least dissent from the exclusive pretensions of Spain.

Having thus replied, and he hopes satisfactorily, to the observations of the American Plenipotentiary, with respect to the effect of the Nootka Sound convention and the Florida treaty, as bearing upon the subject of the present discussion, the undersigned must endeavor to show that even if the Nootka Sound convention had never existed, the position of Great Britain in regard to her claim, whether to the whole or to any particular portion of the Oregon territory, is at least as good as that of the United States. This branch of the subject must be considered, first, with reference to principle, to the right of their party. Great Britain, or the United States, to explore, or make settlements in the Oregon territory, without violation of the rights of Spain; and next, supposing the first to be decided affirmatively, with reference to the relative value and importance of the acts of discovery, exploration, and settlements effected by each. As relates to the question of principle, the undersigned thinks he can furnish no better argument than that contained in the following words, which he has already once quoted from the statement the American Plenipotentiary.

"The title of the United States to the valley of the Columbia is older than the Florida treaty of February, 1819, under which the United States acquired all the rights of Spain to the northwest coast of America, and exists independently of its provisions." And, again, "the title of the United States to the entire region drained by the Columbia river and its branches, was perfect and complete before the date of the treaties of joint occupancy of October, 1818, and August, 1827." The title thus referred to must be that resting on discovery, exploration, and settlement. If this title then is good, or rather was good, as against the exclusive pretensions of Spain, previously to the conclusion of the Florida treaty, so must the claims of Great Britain, resting on the same grounds be good also. Thus, then it seems manifest that, with or without the aid of the Nootka Sound convention, the claims of Great Britain, resting on discovery, exploration, and settlement, are, in point of principle, equally valid with those of the United States. Let us now see how the comparison will stand, when tried by the relative value, importance, and authenticity of each. Rejecting previous discoveries north of the 42d parallel of latitude as not sufficiently authenticated, it will be seen, on the side of Great Britain, that, in 1776, Captain Cook discovered Cape Flattery, the southern entrance of the Straits of Fuca. Cook must also be considered the discoverer of Nootka Sound, in consequence of the want of authenticity in the alleged previous discovery of that port by Perez. In 1787, Captain Berkeley, a British subject, in a vessel under Austrian colors, discovered the Straits of Fuca. In the same year, Captain Duncan, in the ship *Princess Royal*, entered the straits, and traded at the village of Classet. In 1788, Meares, a British subject, formed the establishment at Nootka, which gave rise to the memorable discussion with the Spanish Government, ending in the recognition, by that Power, of the right of Great Britain to form settlements in the unoccupied parts of the northwest portion of the American continent, and in an engagement, on the part of Spain, to reinstate Meares in the possession from which he had been ejected by the Spanish commanders.

In 1792, Vancouver, who had been sent from England to witness the fulfillment of the above mentioned engagement, and to effect a survey of the northwest coast, departing from Nootka sound, entering the straits of Fuca, and after an accurate survey of the coasts and inlets on both sides, discovered a passage northward into the Pacific by which he returned to Nootka, having thus circumnavigated the island which now bears his name. And here we have, as far as relates to Vancouver's Island, as complete case of discovery, exploration and settlement as can well be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of that island. While Vancouver was prosecuting discovery and exploration by sea, Sir Alexander Mackenzie, a partner in the Northwest Company, crossed the Rocky mountains, discovered the headwaters of the river since called Fraser's river, and following for some time the course of that river, effected a passage to the sea, being the first civilized man who traversed the continent of America from sea to sea in those latitudes. On the return of Mackenzie to Canada, the Northwest Company established trading posts in the country to the westward of the Rocky mountains. In 1806 and 1811, respectively, the same company established posts on the Tacoutche, Tesse and the Columbia. In the year 1811 Thompson, the astronomer of the Northwest Company, discovered the northern headwaters of the Columbia, and following its course till joined by the rivers previously discovered by Lewis and Clarke, he continued his journey to the Pacific. From that time till the year 1818, when the arrangement for the joint occupancy of the territory was concluded, the Northwest company continued to extend their operations throughout the Oregon territory, and to "occupy," it may be said, as far as occupation can be effected in regions so inaccessible and destitute of resources. While all this was passing the following events occurred which constitute the American claim in their own proper right:

In 1792 Gray entered the mouth of the Columbia river. In 1805 Lewis and Clarke effected a passage across the Rocky mountains, and discovering a branch of the Columbia river, followed it until they reached the ocean. In 1811 the trading post or settlement of Astoria was established at the mouth of the Columbia, on the north side of that river. This post or settlement passed during the last war into British hands by the voluntary act of the persons in charge of it, a fact most clearly established. It was restored to the United States in 1818, with certain well authenticated reservations, but it was never actually re-occupied by American citizens, having, from the moment of the original transfer or sale, continued to be occupied by British subjects. These are the acts of discovery, exploration and settlement, referred to by the United States as giving them a claim to the valley of the Columbia in their own proper right.

The British Government is disposed to view them in the most liberal sense, and to give to them the utmost value to which they can in fairness be entitled; but there are circumstances attending each and all of them which must, in the opinion of any impartial investigator of the subject, take from them a great deal of the effect which the American negotiators assign to them, as giving to this country a claim to the entire region drained by the Columbia and its branches. In the first place, as relates to the discovery of Gray, it must be remarked that he was a private navigator, sailing principally for the purpose of trade, which fact establishes a wide difference, in a national point of view, between the discoveries accomplished by him and those effected by Cook and Vancouver, who sailed in ships of the royal navy of Great Britain, and were sent to the northwest coast for the express purpose of exploration and discovery. In the next place, it is a circumstance not to be lost sight of, that it was not for several years followed up by any act which could give it value in a national point of view; it was not, in truth, made known to the world either by the discoverer himself or by his Government. So recently as the year 1826, the American Plenipotentiaries in London remarked with great correctness, in one of their reports, that "respecting the mouth of the Columbia river, we know nothing of Gray's discoveries but through British accounts." In the next place, the connection of Gray's discovery with that of Lewis and Clarke is interrupted by the intervening exploration of Lieutenant Broughton, of the British surveying ship *Chatham*.

With respect to the expedition of Lewis and Clarke, it must, on a close examination of the route pursued by them, be confessed that, neither on their outward journey to the Pacific, nor on their homeward journey to the United States, did they touch upon the headwaters of the principal branch of the Columbia river, which lie far to the north of the parts of country traversed and explored by them. Thompson, of the British Northwest Company, was the first civilized person who navigated the northern, in reality the main branch of the Columbia, or traversed any part of the country drained by it. It was by a tributary of the Columbia that Lewis and Clarke made their way to the main stream of that river, which they reached at a point distant, it is believed, not more than two hundred miles from the point to which the river had already been explored by Broughton. These facts, the undersigned conceives, will be found sufficient to reduce the value of Lewis and Clarke's exploration on the Columbia to limits which would by no means justify a claim to the whole valley drained by that river and its branches. As to settlement, the qualified nature of the rights devolved to the United States, by virtue of the restitution of Fort Astoria, has already been pointed out. It will thus be seen, the undersigned confidently believes, that on the grounds of discovery, exploration and settlement, Great Britain has nothing to fear from a comparison of her claims to the Oregon territory, taken as a whole, with those of the United States. That reduced to the valley drained by the Columbia, the facts on which the United States rest their case are far from being of that complete and exclusive character which would justify a claim to the whole valley of the Columbia; and that especially as relates to Vancouver's island, taken by itself, the preferable claim of Great Britain, in every point of view, seems to have been clearly demonstrated. After this exposition of views entertained by the British Government respecting the relative value and importance of the British and American claims, the American Plenipotentiary will not be surprised to hear that the undersigned does not feel at liberty to accept the proposal offered by the American Plenipotentiary for the settlement of the question. This proposal, in fact, offers less than that tendered by the American Plenipotentiaries in the negotiation of 1826, and declined by the British Government. On that occasion it was proposed that the navigation of the Columbia should be made free to both parties. On this nothing is said in the proposal to which the undersigned has now the honor to reply; while, with respect to the proposed freedom of the ports on Vancouver's island south of latitude 49°, the facts which have been appealed to in this paper, as giving to Great Britain the strongest claim to the possession of the whole island, would seem to deprive such a proposal of any value.

The undersigned, therefore, trusts that the American Plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and within the reasonable expectations of the British Government, as defined in the statement (marked D) which the undersigned had the honor to present to the American Plenipotentiary at the early part of the present negotiation.

The undersigned British Plenipotentiary has the honor to renew to the Hon. James Buchanan, Secretary of State and Plenipotentiary of the United States, the assurance of his high consideration.

R. PAKENHAM,

HON. JAMES BUCHANAN.

(MR. BUCHANAN TO MR. PAKENHAM.)

(J.B.—2.)

DEPARTMENT OF STATE, WASHINGTON, August 30, 1845.

The undersigned, Secretary of State of the United States, deems it his duty to make some observations in reply to the statement of Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, marked "R. P." and dated 29th of July, 1845.

Preliminary to the discussion, it is necessary to fix our attention upon the precise question under consideration in the present stage of negotiation. This question simply is, were the titles of Spain and the United States, when united by the Florida treaty, on the 22d of February, 1819, good as against Great Britain to the Oregon territory as far north as the Russian line, in the latitude of 54° 40'? If they were, it will be admitted that this whole territory now belongs to the United States. The undersigned again remarks that it is not his purpose to repeat the argument by which his predecessor, Mr. Calhoun, has demonstrated the American title "to the entire region drained by the Columbia river and its branches." He will not thus impair its force. It is contended, on the part of

Great Britain, that the United States acquired and holds the Spanish title subject to the terms and conditions of the Nootka sound convention, concluded between Great Britain and Spain, at the Escurial, on the 28th of October, 1790. In opposition to the argument of the undersigned, contained in his statement marked "J. B.," maintaining that this convention had been annulled by the war between Spain and Great Britain in 1796, and has never since been revived by the parties, the British Plenipotentiary, in his statement marked "R. P." has taken the following position:

1. "That when Spain concluded with the United States the treaty of 1819, commonly called the Florida treaty, the convention concluded between the former power and Great Britain, in 1790, was considered by the parties to it to be still in force."

And 2. "But that, even if no such treaty had ever existed, Great Britain would stand, with reference to a claim to the Oregon territory, in a position at least as favorable as the United States."

The undersigned will follow, step by step, the argument of the British Plenipotentiary in support of these propositions. The British Plenipotentiary states that "the treaty of 1790, is not appealed to by the British Government, as the American Plenipotentiary seems to suppose, as their 'main reliance' in the present discussion;" but to show that, by the Florida treaty of 1819, the United States acquired no right to exclusive dominion over any part of the Oregon territory. The undersigned had believed that ever since 1826 the Nootka convention has been regarded by the British Government as their main, if not their only reliance. The very nature and peculiarity of their claim identified it with the construction which they have imposed upon this convention, and necessarily excludes every other basis of title. What but to accord with this construction could have caused Messrs. Huskisson and Addington, the British commissioners, in specifying their title, on the 16th of December, 1826, to declare "that Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy in common with other states, leaving the right of exclusive dominion in abeyance." And again, "By that convention (of Nootka) it was agreed that all parts of the north-western coast of America, not altogether occupied at that time by either of the contracting parties, should thenceforward be equally open to the subjects of both for all purposes of commerce and settlement—the sovereignty remaining in abeyance. But on this subject we are not left to mere inferences, however clear. The British commissioners, in their statement from which the undersigned has just quoted, have virtually abandoned any other title which Great Britain may have previously asserted to the territory in dispute, and expressly declare "that whatever that title may have been, however, either on the part of Great Britain or on the part of Spain, prior to the convention of 1790, it was thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself." And again, in summing up their whole case, they say: "Admitting that the United States have acquired all the rights which Spain possessed up to the treaty of Florida, either in virtue of discovery, or, as is pretended, in right of Louisiana, Great Britain maintains that the nature and extent of these rights, as well as the rights of Great Britain, are fixed and defined by the convention of Nootka," etc.

The undersigned, after a careful examination, can discover nothing in the note of the present British Plenipotentiary to Mr. Calhoun, of the 12th of September last, to impair the force of these declarations and admissions of his predecessors. On the contrary, its general tone is in perfect accordance with them. Whatever may be the consequence then, whether for good or for evil—whether to strengthen or to destroy the British claim—it is now too late for the British Government to vary their position. If the Nootka convention confers upon them no such rights as they claim, they cannot at this late hour go behind its provisions, and set up claims which in 1826 they admitted had been merged "in the text and stipulations of that convention itself." The undersigned regrets that the British Plenipotentiary has not noticed his exposition of the true construction of the Nootka convention. He had endeavored, and he believes successfully, to prove that this treaty was transient in its very nature; that it conferred upon Great Britain no right but that of merely trading with the Indians whilst the country should remain unsettled, and making the necessary establishments for the purpose; and that it did not interfere with the ultimate sovereignty of Spain over the territory. The British Plenipotentiary has not attempted to resist these conclusions. If they be fair and legitimate, then it would not avail Great Britain, even if it should prove the Nootka convention to be still in force. On the contrary, this convention, if the construction placed upon it by the undersigned be correct, contains a clear virtual admission, on the part of Great Britain, that Spain held the eventual right of sovereignty over the whole disputed territory; and consequently that it now belongs to the United States. The value of this admission, made in 1790, is the same, whether or not the convention has continued to exist until the present day. But he is willing to leave this point on the uncontroverted argument contained in his former statement. But is the Nootka sound convention still in force? The British Plenipotentiary does not contest the clear general principle of public law, "that war terminates all subsisting treaties between the belligerant powers." He contends, however, in the first place, that this convention is partly commercial, and that, so far as it partakes of this character, it was revived by the treaty concluded at Madrid on the 28th of August, 1814, which declares "that all the treaties of commerce which subsisted between the two parties (Great Britain and Spain) in 1796, were thereby ratified and confirmed;" and second, "that in other respects it must be considered as an acknowledgment of subsisting rights—an admission of certain principles of international law," not to be revoked by war. In regard to the first proposition, the undersigned is satisfied to leave the question to rest upon his former argument, as the British Plenipotentiary has contented himself with merely asserting the fact, that the commercial portion of the Nootka sound convention was revived by the treaty of 1814, without even specifying what he considers to be that portion of the convention. If the undersigned had desired to strengthen his former position, he might have repeated with great effect the argument contained in the note of Lord Aberdeen to the Duke of Sotomayor, dated June 30, 1845, in which his Lordship clearly established that all the treaties of commerce subsisting between Great Britain and Spain previous to 1796 were confined to the trade with Spain alone, and did not embrace her colonies and remote possessions. The second proposition of the British Plenipotentiary deserves greater attention. Does the Nootka sound convention belong to that class of treaties containing "an acknowledgment of subsisting rights—an admission of certain principles of international law" not to be abrogated by war? Had Spain by this convention acknowledged the right of all nations to make discoveries, plant settlements, and establish colonies on the northwest coast of America, bringing with them their sovereign jurisdiction, there would have been much force in the argument. But such an admission never was made, and never was intended to be made by Spain.

The Nootka convention is arbitrary and artificial in the highest degree, and is anything rather than the mere acknowledgement of simple and elementary principle consecrated by the law of nations. In all its provisions it is expressly confined to Great Britain and Spain, and acknowledges no right whatever in any third Power to interfere with the northwest coast of America. Neither in its terms, nor in its essence, does it contain any acknowledgement of previously subsisting territorial rights in Great Britain, or any other nation. It is strictly confined to future engagements; and these are of a most peculiar character. Even under the construction of its provisions maintained by Great Britain, her claim does not extend to plant colonies—which she would have had a right to do under the law of nations, had the country been unappropriated; but it is limited to a mere right of joint occupancy, not in respect to any part, but to the whole, the sovereignty remaining in abeyance. And to what kind of occupancy? Not separate and distinct colonies, but scattered settlements, intermingled with each other, over the whole surface of the territory, for the single purpose of trading with the Indians, to all of which the subjects of each power should have free access, the right of exclusive dominion remaining suspended. Surely it cannot be successfully contended that such a treaty is "an admission of certain principles of international law," so sacred and so perpetual in their nature as not to be annulled by war.

On the contrary, from the character of its provisions, it cannot be supposed for a single moment that it was intended for any purpose but that of a mere temporary arrangement between Great Britain and Spain. The law of nations recognizes no such principles in regard to unappropriated territory as those embraced in this treaty; and the British Plenipotentiary must fail in the attempt to prove that it contains "an admission of certain principles of international law," which will survive the shock of war. But the British Plenipotentiary contends that from the silence of Spain during the negotiations of 1818 between Great Britain and the United States respecting the Oregon territory, as well as "from her silence with respect to the continued occupation by the British of their settlements in the Columbia territory subsequently to the convention of 1814," it may fairly "be inferred that Spain considered the stipulations of the Nootka convention, and the principles therein laid down, to be still in force."

The undersigned cannot imagine a case where the obligations of a treaty, once extinguished by war, can be revived without a positive agreement to this effect between the parties. Even if both parties, after the conclusion of peace, should perform positive and unequivocal acts in accordance with its provisions, these must be construed as merely voluntary, to be discontinued by either at pleasure. But in the present case it is not even pretended that Spain performed any act in accordance with the convention of Nootka Sound after her treaty with Great Britain of 1814. Her mere silence is relied upon to revive that convention. The undersigned asserts confidently, that neither by public nor private law will the mere silence of one party, whilst another is encroaching upon his rights, even if he had knowledge of this encroachment, deprive him of those rights. If this principle be correct as applied to individuals, it holds with much greater force in regard to nations. The feeble may not be in a condition to complain against the powerful; and thus the encroachment of the strong would convert itself into a perfect title against the weak.

In the present case it was scarcely possible for Spain even to have learned the pending negotiations between the United States and Great Britain, in relation to the northwest coast of America, before she had ceded all her rights on that coast to the former by the Florida treaty of the 22d of February, 1819. The convention of joint occupation between the United States and Great Britain was not signed at

London until the 20th of October, 1818, but four months previous to the date of the Florida treaty; and the ratifications were not exchanged, and the convention published, until the 30th of January, 1819. Besides, the negotiations which terminated in the Florida treaty had been commenced as early as December, 1815, and were in full progress on the 20th October, 1818, when the convention was signed between Great Britain and the United States. It does not appear, therefore, that Spain had any knowledge of the existence of these negotiations; and even if this were otherwise she would have had no motive to complain, as she was in the very act of transferring all her rights to the United States. "But," says the British Plenipotentiary, "Spain looked in silence on the continued occupation by the British of the settlement in the Columbia territory subsequently to the convention of 1814, and therefore she considered the Nootka Sound convention to be still in force." The period of this silence, so far as it could affect Spain, commenced on the 28th day of August, 1814, the date of the additional articles to the treaty of Madrid, and terminated on the 22d of February, 1819, the date of the Florida treaty. Is there the least reason for this silence to infer an admission by Spain of the continued existence of the Nootka Sound convention?

In the first place, this convention was entirely confined "to landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." It did not extend to the interior. At the date of this convention no person dreamed that British traders from Canada or Hudson's Bay would cross the Rocky mountains and encroach on the rights of Spain from that quarter. Great Britain had never made any settlement on the northwestern coast of America from the date of the Nootka Sound convention until the 22d of February, 1819, nor, so far as the undersigned is informed, has she done so down to the present moment. Spain could not, therefore, have complained of any such settlement. In regard to the encroachments which had been made from the interior by the Northwest Company, neither Spain nor the rest of the world had any specific knowledge of their existence. But even if the British Plenipotentiary had brought such knowledge home to her—which he has not attempted—she had been exhausted by one long and bloody war, and was then engaged in another with her colonies; and was, besides, negotiating for a transfer of all her rights on the northwestern coast of America to the United States. Surely there were sufficient reasons for her silence, without inferring from it that she acquiesced in the continued existence of the Nootka convention. If Spain had entertained the least idea that the Nootka convention was still in force, her good faith and her national honor would have caused her to communicate this fact to the United States before she had ceded this territory to them for an ample consideration. Not the least intimation of this kind was ever communicated.

Like Great Britain in 1818, Spain had no idea that the Nootka sound convention was in force. It had then passed away and was forgotten. The British Plenipotentiary alleges that the reason why Great Britain did not assert the existence of the Nootka convention during the negotiations between the two Governments in 1818 was, that no occasion had arisen for its interposition, the American Government not having then acquired the title of Spain. It is very true that the United States had not then acquired the Spanish title; but it is possible to imagine that throughout the whole negotiations the British commissioners, had they supposed this convention to have been in existence, would not have remained entirely silent in regard to a treaty which, as Great Britain now alleges, gave her equal and co-ordinate rights with Spain to the whole northwest coast of America. At that period Great Britain confined her claims to those arising from discovery and purchase from the Indians. How vastly she could have strengthened these claims had she then supposed the Nootka convention to be in force, with her present construction of its provisions! Even in 1824 it was first introduced into the negotiation, not by her commissioners but by Mr. Rush, the American Plenipotentiary. But the British Plenipotentiary argues that "the United States can found no claim on discovery, exploration and settlement effected previously to the Florida treaty, without admitting the principles of the Nootka convention; nor can they appeal to any exclusive right as acquired by the Florida treaty without upsetting all claims adduced in their own proper right by reason of discovery, exploration and settlement antecedent to that arrangement." This is a most ingenious method of making two distinct and independent titles held by the same nation worse than one—of arraying them against each other, and thus destroying the validity of both. Does he forget that the United States own both these titles, and can wield them either separately or conjointly against the claim of Great Britain at their pleasure? From the course of his remarks it might be supposed that Great Britain, and not the United States, had acquired the Spanish title under the Florida treaty. But Great Britain is a third party—an entire stranger to both these titles—and has no right whatever to marshal the one against the other. By what authority can Great Britain interpose in this manner? Was it ever imagined in any court of justice that the acquisition of a new title destroyed the old one, and vice versa, that the purchase of the old title destroyed the new one? In a question of mere private right it would be considered absurd if a stranger to both titles should say to the party who made a settlement, "You shall not avail yourself of your possession, because this was taken in violation of another outstanding title; and, although I must admit that you have also acquired this outstanding title, yet even this shall avail you nothing, because, having taken possession previously to your purchase, you thereby evinced that you did not regard such title as valid." And yet such is the mode by which the British Plenipotentiary has attempted to destroy both the American and Spanish titles. On the contrary, in the case mentioned, the possession and the outstanding title being united in the same individual, these conjoined would be as perfect, as if both had been vested in him from the beginning.

The undersigned, whilst strongly asserting both these titles, and believing each of them separately to be good as against Great Britain, has studiously avoided instituting any comparison between them. But admitting, for the sake of argument merely, that the discovery by Captain Gray of the mouth of the Columbia, its exploration by Lewis and Clarke, and the settlement upon its banks at Astoria, were encroachments on Spain, she, and she alone, had a right to complain. Great Britain was a third party, and as such had no right to interfere in the question between Spain and the United States. But Spain, instead of complaining of these acts of encroachment, on the 22d of February, 1819, by the Florida treaty, transferred the whole title to the United States. From that moment all possible conflict between the two titles ended, both being united in the same party. Two titles which might have conflicted, therefore, were thus blended together. The title now vested in the United States is just as strong as though every act of discovery, exploration and settlement on the part of both powers had been performed by Spain alone, before she had transferred all her rights to the United States. The two powers are one in this respect; the two titles are one; and, as the undersigned will show hereafter, they serve to confirm and strengthen each other.

If Great Britain instead of the United States, had acquired the title of Spain, she might have contended that those acts of the United States were encroachments; but standing in the attitude of a stranger to both titles, she has no right to interfere in the matter. The undersigned deems it unnecessary to pursue this branch of the subject further than to state that the United States, before they had acquired the title of Spain, always treated that title with respect. In the negotiation of 1818, the American Plenipotentiary "did not assert that the United States had a perfect right to that country, but insisted that their claim was at least good against Great Britain;" and the convention of October 20, 1818, unlike that of Nootka sound, reserved the claims of any other power or state to any part of the said country. This reservation could have been intended for Spain alone. But ever since the United States acquired the Spanish title they have always asserted and maintained their rights in the strongest terms up to the Russian line, even whilst offering for the sake of harmony and peace, to divide the territory in dispute by the forty-ninth parallel of latitude. The British Plenipotentiary, then, has entirely failed to sustain his position, that the United States can found no claim on discovery, exploration and settlement, without admitting the principles of the Nootka convention. That convention died on the commencement of the war between Spain and England in 1796, and has never since been revived. The British Plenipotentiary next "endeavors to prove that even if the Nootka sound convention had never existed, the position of Great Britain, in regard to her claim, whether to the whole, or to any particular portion of the Oregon territory, is at least as good as that of the United States." In order to establish this position, he must show that the British claim is equal in validity to the title of both Spain and the United States. These can never be separated. They are one and the same. Different and diverging as they may have been before the Florida treaty, they are now blended together and identified. The separate discoveries, explorations and settlements of the two powers previous to that date, must now be considered as if they had all been made by the United States alone. Under this palpable view of the subject, the undersigned was surprised to find that in the comparison and contrast instituted by the British Plenipotentiary between the claim of Great Britain and that of the United States, he had entirely omitted to refer to the discoveries, explorations and settlements made by Spain. The undersigned will endeavor to supply the omission.

But, before he proceeds to the main argument on this point, he feels himself constrained to express his surprise that the British Plenipotentiary should again have invoked, in support of the British title, the inconsistency between the Spanish and American branches of the title of the United States. The undersigned cannot forbear to congratulate himself upon the fact, that a gentleman of Mr. Pakenham's acknowledged ability has been reduced to the necessity of relying chiefly upon such a support for sustaining the British pretensions. Stated in brief, the argument is this: The American title is not good against Great Britain, because inconsistent with that of Spain; and the Spanish title is not good against Great Britain, because inconsistent with that of the United States. The undersigned had expected something far different than such an argument in a circle. He had anticipated that the British Plenipotentiary would have attempted to prove that Spain had no right to the northwestern coast of America; that it was vacant and unappropriated; and hence, under the law of nations, was open to discovery, exploration and settlement by all nations. But no such thing. On this vital point of his case he rests his argument solely on the declaration made by the undersigned, that the title of the United States to the valley of the Columbia was perfect and complete before the treaties of joint occupation of October, 1818, and August, 1827, and before the date of the Florida treaty in 1819. But the British Plenipotentiary ought to recollect that this title was asserted to be complete, not against Spain, but against Great Britain; that the argument was conducted, not against a Spanish but a British Plenipotentiary; and that the United States, and not Great Britain, represent the Spanish title; and further, that the statement from which he extracts these declarations was almost exclusively devoted to prove, in the language quoted by the British Plenipotentiary, himself, that "Spain had a good title, as against Great Britain, to the whole of the Oregon territory." The undersigned has never, as he before observed, instituted any comparison between the American and Spanish titles. Holding both—having a perfect right to rely upon both, whether jointly or separately—he has strongly asserted each of them in its turn, fully persuaded that either the one or the other is good against Great Britain, and that no human ingenuity can make the Spanish title, now vested in the United State, worse than it would have been, had it remained in the hands of Spain. Briefly to illustrate and enforce this title shall be the remaining task of the undersigned.

And, in the first place, he cannot but commend the frankness and candor of the British Plenipotentiary in departing from the course of his predecessors, and rejecting all discoveries previous to those of Captain Cook, in the year 1778, as foundations of the British title. Commencing with discovery at a period so late, the Spanish title, on the score of antiquity, presents a strong contrast to that of Great Britain. The undersigned had stated, as an historical and "striking fact, which must have an important bearing against the claim of Great Britain, that this convention (the Nootka), which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that Power had asserted for nearly three centuries over the whole western side of North America, as far north as the 61st degree of latitude, and which had never been seriously questioned by any European nation. This had been maintained by Spain with the most vigilant jealousy ever since the discovery of the American continent, and had been acquiesced in by all European Governments. It had been admitted even beyond the latitude of 54° 40′ north, by Russia, then the only Power having claims which could come into collision with Spain; and that too, under a sovereign peculiarly tenacious of the territorial rights of her empire." These historical facts had not been, as they could not be, controverted by the British Plenipotentiary, although they were brought under his particular observation, and were even quoted by him with approbation, for the purpose of showing the inconsistency of the several titles held by the United States.

In the language of Count Fernan de Nunez, the Spanish Ambassador at Paris, to M. de Montmorin, the Secretary of the Foreign Department of France, under date of June 16, 1790: "By the treaties, demarkations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards in those stations from the reign of Charles II., and authorized by that monarch in 1692, the original vouchers for which shall be brought forward in the course of the negotiation, all the coast to the north of Western America, on the side of the South Sea, as far as beyond what is called Prince William's Sound, which is in the 61st degree, is acknowledged to belong exclusively to Spain." Compared with this ancient claim of Spain, acquiesced in by all European nations for centuries, the claim of Great Britain, founded on discoveries commenced at so late a period as the year 1778, make an unfavorable first impression. Spain considered the northwest coast of America as exclusively her own. She did not send out expeditions to explore that coast for the purpose of rendering her title more valid. When it suited her convenience, or promoted her own interest, she fitted out such expeditions of discovery to ascertain the character and extent of her own territory, and yet her discoveries along that coast are far earlier than those of the British.

That Juan De Fuca, a Greek, in the service of Spain, in 1592, discovered and sailed through the strait now bearing his name, from its southern to its northern extremity, and thence returned by the same passage, no longer admits of reasonable doubt. An account of this voyage was published in London in 1625, in a work called the *Pilgrims*, by Samuel Purchas. This account was received from the lips of Fuca himself at Venice, in April, 1596, by Michael Lock, a highly respectable English merchant. During a long period, this voyage was deemed fabulous because subsequent navigators had in vain attempted to find these straits. Finally, after they had been found, it was discovered that the description of De Fuca corresponded so accurately with their geography and the facts presented by nature upon the ground, that it was no longer possible to consider his narration as fabulous.

It is true that the opening of the straits from the south lies between the 48th and 49th parallels of latitude, and not between the 47th and 48th parallels, as he had supposed; but this mistake may be easily explained by the inaccuracy so common throughout the 16th century in ascertaining the latitude of places in newly discovered countries. It is also true that De Fuca, after passing through these straits, supposed he had reached the Atlantic, and had discovered the passage so long and so anxiously sought after between the two oceans; but from the total ignorance and misapprehension which had prevailed at that early day of the geography of this portion of North America, it was natural for him to believe that he had made this important discovery. Justice has at length been done to his memory, and these straits which he discovered will, in all future time, bear his name. Thus, the merit of the discovery of the Straits of Fuca belongs to Spain; and this nearly two centuries before they had been entered by Captain Berkeley, under the Austrian flag.

It is unnecessary to detail the discoveries of the Spaniards, as they regularly advanced to the north from their settlements on the western coast of North America, until we reach the voyage of Captain Juan Perez in 1774. That navigator was commissioned by the Viceroy of Mexico to proceed in the corvette *Santiago* to the 60th degree of north latitude, and from that point to examine the coast down to Mexico. He sailed from San Blas on the 25th of January, 1774. In the performance of this commission, he landed first on the northwest coast of Queen Charlotte's Island, near the 54th degree of north latitude, and thence proceeded south along the shore of that island, and of the great island of Quadra and Vancouver, and then along the coast of the continent until he reached Monterey. He went on shore and held intercourse with the natives at several places and especially at the entrance of a bay in latitude 49½°, which he called Port San Lorenzo, the same now known by the name of Nootka Sound. In addition to the journals of this voyage, which render the fact incontestable, we have the high authority of Baron Humboldt in its favor. That distinguished traveller, who had access to the manuscript documents in the city of Mexico, states that "Perez and his pilot, Estevan Martinez, left the port of San Blas on the 24th of January, 1774. On the 9th of August, they anchored (the first of all European navigators) in Nootka Road, which they called the Port of San Lorenzo, and which the illustrious Cook, four years afterwards, called King George's Sound."

The next year (1775) the Viceroy of Mexico again fitted out the *Santiago*, under the command of Bruno Heceta, with Perez, her former commander, as ensign, and also a schooner, called the *Senora*, commanded by Juan Francisco de la Bodegay Quadra. These vessels were commissioned to examine the northwestern coast of America as far as the 65th degree of latitude, and sailed in company from San Blas on the 15th of March, 1775. It is unnecessary to enumerate the different places on the coast examined by these navigators either in company or separately. Suffice it to say, that they landed at many places on the coast from the 41st to the 57th degree of latitude, on all of which occasions they took possession of the country in the name of their sovereign, according to a prescribed regulation; celebrating mass, reading declarations asserting the right of Spain to the territory, and erecting crosses with inscriptions to commemorate the event. Some of these crosses were afterwards found standing by British navigators. In reference to these voyages, Baron Humboldt says: "In the following year 1775 (after that of Perez), a second expedition set out from San Blas, under the command of Heceta, Ayala, and Quadra. Heceta discovered the mouth of the Rio Columbia, called the Entrada de Heceta, the peak of San Jacinto (Mount Edgecomb), near Norfolk Bay, and the fine port of Bucareli. I possessed two very curious small maps, engraved in 1788, in the city of Mexico, which gave the bearings of the coast from the 27th to the 58th degree of latitude, as they were discovered in the expedition of Quadra."

In the face of these incontestable facts the British Plenipotentiary says: "That Captain Cook must also be considered the discoverer of Nootka sound, in consequence of the want of authenticity in the alleged previous dicovery of that port by Perez." And yet, Cook did not even sail from England until the 12th of July, 1776, nearly two years after Perez had made this discovery. The chief object of Cook's voyage was the discovery of a northwest passage, and he never landed at any point of the continent south of Nootka sound. It is true, that in coasting along the continent before he reached this place, he had observed Cape Flattery; but he was entirely ignorant that this was the southern entrance of the straits of Fuca. In his journal he admits that he had heard some account of the Spanish voyages of 1774 and 1775, before he left England; and it is beyond question that, before his departure, accounts of the voyage of Quadra had been published both in Madrid and in London. From Nootka sound Cook did not again see land until he reached the 57° of north latitude.

In 1787, it is alleged by the British Plenipotentiary, that Captain Berkeley, a British subject, discovered the straits of Fuca; but these straits had been discovered by Juan De Fuca nearly two centuries before. Besides, if there had been any merit in this discovery of Captain Berkeley, it would have belonged to Austria, in whose service he was, and under whose colors he sailed, and cannot be appropriated by Great Britain. And here it is worthy of remark, that these discoveries of Cook and Berkeley in 1778 and 1787, are all those on which the British Plenipotentiary relies, previous to date of the Nootka sound convention in October, 1790, to defeat the ancient Spanish title to the northwest coast of America. The undersigned will now take a position which cannot, in his opinion, be successfully assailed, and this is, that no discovery, exploration, or settlement made by Great Britain on the northwest coast of America, after the date of the Nootka sound convention, and before it was terminated by the war of 1796, can be invoked by that power, in favor of her own title, or against the title of Spain. Even according to the British construction of that convention, the sovereignty over the territory was to remain in abeyance during its continuance, as well in regard to Great Britain as to Spain. It would, therefore have been an open violation of faith on the part of Great

Britain, after having secured the privileges conferred upon her by the convention, to turn round against her partner and perform any acts calculated to divert Spain of her ultimate sovereignty over any portion of the country. The palpable meaning of the convention was; that during its continuance the rights of the respective parties, whatever they might have been, should remain just as they had existed at its commencement. The Government of Great Britain is not justly chargeable with any such breach of faith. Captain Vancouver acted without instructions in attempting to take possession of the whole northwestern coast of America in the name of his sovereign. This officer, sent out from England to execute the convention, did not carry with him any authority to violate it in this outrageous manner. Without this treaty he would have been a mere intruder; under it, Great Britain had a right to make discoveries and surveys, not thereby to acquire title, but merely to enable her subjects to select spots the most advantageous, to use the language of the convention, "for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." If this construction of the Nootka sound convention be correct—and the undersigned does not see how it can be questioned—then Vancouver's passage through the straits of Fuca in 1792, and Alexander Mackenzie's journey across the continent in 1793, can never be transformed into elements of title in favor of Great Britain.

But even if the undersigned could be mistaken in these positions, it would be easy to prove that Captain John Kendrick, in the American sloop *Washington*, passed through the straits of Fuca in 1789, three years before Captain Vancouver performed the same voyage. The very instructions to the latter, before he left England in January, 1791, refer to this fact, which had been communicated to the British Government by Lieutenant Meares, who has rendered his name so notorious by its connection with the transaction preceding the Nootka sound convention. It is, moreover, well known that the whole southern division of the straits had been explored by the Spanish navigators Elisa and Quimper—the first in 1790, and the latter in 1791. After what has been said, it will be perceived how little reason the British Plenipotentiary has for stating that his Government has, "as far as relates to Vancouver's island, as complete a case of discovery, exploration and settlement, as can well be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of that island." The discovery thus relied upon is that of Nootka sound by Cook in 1778, when it has been demonstrated that this port was first discovered by Perez in 1774. The exploration is that by Vancouver, in passing through the straits of Fuca in 1792, and examining the coasts of the territory in dispute, when De Fuca, himself, had passed through these straits in 1592, and Kendrick again in 1789, and a complete examination of the western coast had been made in 1774 and 1775, both by Perez and Quadra.

As to possession, if Meares was ever actually restored to his possessions at Nootka sound, whatever those may have been, the undersigned has never seen any evidence of the fact. It is not to be found in the journal of Vancouver, although this officer was sent from England for the avowed purpose of witnessing such a restoration. The undersigned knows not whether any new understanding took place between the British and Spanish Governments on this subject; but one fact is placed beyond all doubt, that the Spaniards continued in undisturbed possession of Nootka sound until 1795, when they voluntarily abandoned the place. Great Britain has never at any time since occupied this or any other position on Vancouver's island. Thus, on the score of either discovery, exploration or possession, this island seems to be the very last portion of the territory in dispute in which she can assert a just claim. In the meantime the United States were proceeding with the discoveries which served to complete and confirm the Spanish-American title to the whole of the disputed territory. Captain Robert Gray in June, 1789, in the sloop *Washington*, first explored the whole eastern coast of Queen Charlotte's island. In the autumn of the same year, Captain John Kendrick, having in the meantime surrendered the command of the *Columbia* to Captain Gray, sailed, as has already been stated, in the sloop *Washington*, entirely through the straits of Fuca. In 1791 Captain Gray returned to the North Pacific in the *Columbia*, and in the summer of that year examined many of the inlets and passages between the 54th and 56th degrees of latitude, which the undersigned considers it unnecessary to specify. On May 7, 1792, he discovered and entered Bullfinch's harbor, where he remained at anchor three days, trading with the Indians. On the 11th of May, 1792, Captain Gray entered the mouth of the Columbia, and completed the discovery of that great river. This river had been long sought in vain by former navigators. Both Meares and Vancouver, after examination, had denied its existence. Thus is the world indebted to the enterprise, perseverance, and intelligence of an American Captain of a trading vessel for their first knowledge of this, the greatest river on the western coast of America—a river whose headsprings flow from the gorges of the Rocky mountains, and whose branches extend from the 42d to the 53d parallels of latitude. This was the last and most important discovery on the coast, and has perpetuated the name of Robert Gray. In all future time this great river will bear the name of his vessel.

It is true, that Bruno Heceta, in the year 1775, had been opposite the bay of the Columbia; and the currents and eddies of the waters, caused him, as he remarks, to believe that it was "the mouth of some great river, or of some passage to another sea;" and his opinion seems decidedly to have been, that this was the opening of a strait, discovered by Juan De Fuca, in 1592. To use his own language: "Notwithstanding the great difference between the position of this bay and the passage mentioned by De Fuca, I have little difficulty in conceiving that they may be the same, having observed equal or greater differences in the latitudes of other capes and ports on this coast, as I shall show at its proper time; and in all cases, the latitudes thus assigned are higher than the real ones."

Heceta, from his own declaration, had never entered the Columbia, and he was in doubt whether the opening was the mouth of a river or an arm of the sea; and subsequent examinations of the coast by other navigators, had rendered the opinion universal that no such river existed, when Gray first bore the American flag across its bar, sailed up its channel for twenty-five miles, and remaining in the river nine days, trading with the Indians. The British Plenipotentiary attempts to depreciate the value to the United States of Gray's discovery, because his ship (the *Columbia*) was a trading, and not a national vessel. As he furnishes no reason for this distinction, the undersigned will confine himself to the remark, that a merchant vessel bears the flag of her country at mast-head, and continues under its jurisdiction and protection, in the same manner as though she had been commissioned for the express purpose of making discoveries.

Besides, beyond all doubt, this discovery was made by Gray; and to what nation could the benefit of it belong, unless it be to the United States? Certainly not to Great Britain. And if to Spain, the United States are now her representative. Nor does the undersigned perceive in what manner the value of this great discovery can be lessened by the fact that it was first published to the world through the journal of Captain Vancouver, a British authority. On the contrary, its authenticity being thus acknowledged by the party having an adverse interest, is more firmly established than if it had been first published in the United States. From a careful examination and review of the subject, the undersigned ventures the assertion, that to Spain and the United States belong all the merit of the discovery of the northwest coast of America south of the Russian line; not a spot of which, unless it may have been the shores of some of the interior bays and inlets, after the entrance to them had been known, was ever beheld by British subjects until after it had been seen or touched by a Spaniard or an American.

Spain proceeded in this work of discovery, not as a means of acquiring title, but for the purpose of examining and surveying territory to which she believed she had an incontestable right. This title had been sanctioned for centuries by the acknowledgment or acquiescence of all the European Powers. The United States alone could have disputed this title, and that only to the extent of the region watered by the Columbia. The Spanish and American titles, now united by the Florida treaty, cannot be justly resisted by Great Britain. Considered together they constitute a perfect title to the whole territory in dispute, ever since the 11th of May, 1792, when Captain Gray passed the bar at the mouth of the Columbia, which he had observed in August, 1788.

The undersigned will now proceed to show that this title of the United States, at least to the possession of the territory at the mouth of the Columbia, has been acknowledged by the most solemn and unequivocal acts of the British Government. After the purchase of Louisiana from France, the government of the United States fitted out an expedition under Messrs. Lewis and Clarke; who, in 1805, first explored the Columbia, from its source to its mouth, preparatory to the occupation of the territory by the United States. In 1811, the settlement at Astoria was made by the Americans near the mouth of the river, and several other posts were established in the interior along its banks. The war of 1812 between Great Britain and the United States thus found the latter in peaceable possession of that region. Astoria was captured by Great Britain during the war. The treaty of peace, concluded at Ghent in December, 1814, provided that "all territory, places and possessions whatsoever, taken by either party from the other during the war," etc., "shall be restored without delay." In obedience to the provisions of this treaty, Great Britain restored Astoria to the United States, and thus admitted, in the most solemn manner, not only that it had been an American territory or possession at the commencement of the war, but that it had been captured by British arms during its continuance It is now too late to gainsay or explain away these facts. Both the treaty of Ghent, and the acts of the British Government under it, disprove the allegations of the British Plenipotentiary that Astoria passed "into British hands by the voluntary act of the persons in charge of it," and "that it was restored to the United States in 1818 with certain well authenticated reservations." In reply to the first of these allegations, it is true that the agents of the American Pacific Fur Company, before the capture of Astoria, on the 16th of October, 1813, had transferred all that they could transfer—the private property of the company—to the (British) Northwest Company; but it will scarcely be contended that such arrangement could impair the sovereign rights of the United States to the territory. Accordingly the American flag was still kept flying over the fort until the 1st of December, 1813, when it was captured by His Majesty's sloop of war *Racoon*, and the British flag was then substituted. That it was not restored to the United States "with certain well authenticated reservations" fully appears from the act of restoration itself, bearing date 6th of October, 1818. This is as absolute and unconditional as the English language can make it.

That this was according to the intention of Lord Castlereagh clearly appears from his previous admission to Mr. Rush of the right of the Americans to be reinstated, and to be the party in possession while treating on the title. If British ministers afterwards, in dispatches to their own agents, the contents of which were not communicated to the Government of the United States, thought proper to protest against our title, these were, in effect but mere mental reservations, which could not affect the validity of their own selemn and unconditional act of restoration. But the British Plenipotentiary, notwithstanding the American discovery of the Columbia by Captain Gray, and the exploration by Lewis and Clarke of its several branches from their sources in the Rocky mountains, as well as its main channel to the ocean, contends, that because Thompson, a British subject, in the employment of the Northwest company, was the first who navigated the northern branch of that river, the British Government thereby acquired certain rights against the United States, the extent of which he does not undertake to specify. In other words, that after one nation had discovered and explored a great river and several tributaries, and made settlements on its banks, another nation, if it could find a single branch on its headwaters, which had not been actually explored, might appropriate to itself this branch, together with the adjacent territory. If this could have been done, it would have produced perpetual strife and collision among the nations after the discovery of America. It would have violated the wise principle consecrated by the practice of nations, which gives the valley drained by a river and its branches to the nation which had first discovered and appropriated its mouth. But, for another reason, this alleged discovery of Thompson has no merit whatever. His journey was undertaken on behalf of the Northwest Company for the mere purpose of anticipating the United States in the occupation of the mouth of the Columbia—a territory to which no nation, unless it may have been Spain, could, with any show of justice, dispute their right. They had acquired it by discovery and by exploration, and were now in the act of taking possession. It was in an enterprise undertaken for such purpose that Mr. Thompson, in hastening from Canada to the mouth of the Columbia, descended the north, arbitrarily assumed by Great Britain to be the main, branch of this river. The period was far too late to impair the title of either Spain or the United States by any such proceeding. Mr. Thompson, on his return, was accompanied by a party from Astoria, under Mr. David Stuart, who established a post at the confluence of the Okanagan with the north branch of the Columbia. about 600 miles above the mouth of the latter. In the next year (1812) a second trading post was established by a party from Astoria on the Spokane, about 650 miles from the ocean. It thus appears that previous to the capture of Astoria by the British, the Americans had extended their possessions up the Columbia 650 miles. The mere intrusion of the Northwest Company into this territory, and the establishment of two or three trading posts in 1811 and 1812 on the headwaters of the river, can surely not interfere with or impair the Spanish-American title. What this company may have done in the intermediate period until the 20th of October, 1818, the date of the first treaty of joint occupation, is unknown to the undersigned, from the impenetrable mystery in which they have veiled their proceedings. After the date of this treaty neither Great Britain nor the United States could have performed any act affecting their claims to the disputed territory.

To sum up the whole, then, Great Britain cannot rest her claims to the northwest coast of America upon discovery. As little will her single claim by settlement at Nootka sound avail her. Even Belsham, her own historian, forty years ago, declared it to be certain, from the most authentic information, "that the Spanish flag flying at Nootka was never struck, and that the territory has been virtually relinquished by Great Britain." The agents of the Northwest Company, penetrating the continent from Canada in 1806, established their first trading post west of the Rocky mountains at Frazer's lake, in the 54th degree of latitude; and this, with the trading posts established by Thompson—to which the undersigned has just adverted—and, possibly, some others afterwards, previous to October, 1818, constitutes the claim of Great Britain by actual settlement. Upon the whole, from the most careful and ample examination which the undersigned has been able to bestow upon the subject, he is satisfied that the Spanish-American title, now held by the United States, embracing the whole territory, between the parallels of 42° and 54° 40′, is the best title in existence to this entire region; and that the claim of Great Britain to any portion of it has no sufficient foundation. Even British geographers have not doubted our title to the territory in dispute. There is a large and splendid globe now in the department of state, recently received from London, and published by Mattley & Co., "manufacturers and publishers to the Society for the Diffusion of Useful Knowledge," which assigns this territory to the United States.

Notwithstanding such was, and still is, the opinion of the President, yet in the spirit of compromise and concession, and in deference to the action of his predecessors, the undersigned, in obedience to his instructions, proposed to the British Plenipotentiary to settle the controversy by dividing the territory in dispute by the 49th parallel of latitude, offering at the same time to make free to Great Britain any port or ports on Vancouver's island south of this latitude, which the British Government might desire. The British Plenipotentiary has correctly suggested that the free navigation of the Columbia river was not embraced in this proposal to Great Britain; but, on the other hand, the use of free ports on the southern extremity of this island had not been included in the former offers. Such a proposition as that which has been made, never would have been authorized by the President had this been a new question. Upon his accession to office he found the present negotiation pending. It had been instituted in the spirit and upon the principle of compromise. Its object, as avowed by the negotiators, was not to demand the whole territory in dispute for either country; but, in the language of the first protocol, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them westward of the Rocky mountains to the Pacific ocean." Placed in this position, and considering that Presidents Monroe and Adams had on former occasions offered to divide the territory in dispute by the 49th parallel of latitude, he felt it to be his duty not abruptly to arrest the negotiations, but so far to yield his own opinion as once more to make a similar offer. Not only respect for the conduct of his predecessors, but a sincere and anxious desire to promote peace and harmony between the two countries, influenced him to pursue this course. The Oregon question presents the only intervening cloud which intercepts the prospect of a long career of mutual friendship and beneficial commerce between the two nations, and this cloud he desired to remove. These are the reasons which actuated the President to offer a proposition so liberal to Great Britain. And how has this proposition been received by the British Plenipotentiary? It has been rejected without even a reference to his own Government. Nay, more, the British Plenipotentiary, to use his own language, "trusts that the American Plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government."

Under such circumstances, the undersigned is instructed by the President to say that he owes it to his own country, and a just appreciation of her title to the Oregon territory, to withdraw the proposition to the British Government which had been made under his direction, and it is hereby accordingly withdrawn.

In taking this necessary step, the President still cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.

The undersigned avails himself, etc.,

JAMES BUCHANAN.

THE RIGHT HONORABLE R. PAKENHAM.

This last letter of Mr. Buchanan suspended all negotiations until June 10, 1846, when President Polk sent to congress a confidential message, asking authority to give England the twelve months' notice that was required by the existing treaty. The subject will be fully treated in the next chapter (1846) as it came up for final settlement at that time.

General Election Returns, June 3, 1845.

Candidates.	Clackamas.	Tualitin	Champoic .	Clatsop	Yamhill	Totals .....
For Governor—						
George Abernethy	46	58	51	22	51	228
Osburn Russell	22	54	47	--	7	130
Wm. J. Bailey	2	6	60	--	7	75
A. Lawrence Lovejoy	44	5	9	1	12	71
Total vote cast	114	123	167	23	77	504
Abernethy's majority	2	4	--	21	39	66
For Secretary of Territory—						
John E. Long	65	70	117	6	25	283
Noyes Smith	48	47	53	12	35	195
For Treasurer—						
Phil. Foster	62	49	47	1	38	197
F. Ermatinger	51	50	118	12	20	251
For Judge—						
J. W. Nesmith	111	115	166	17	64	473
For District Attorney—						
Marcus Ford	100	78	168	10	53	409
For Assessor—						
S. W. Moss	53	39	119	--	5	216
Jacob Reed	52	48	48	.	56	204
For Sheriff—						
Joseph L. Meek	59	77	111	5	15	267
A. J. Hembree	42	43	54	15	61	215
For Legislative Representatives—						
H. A. J. Lee	99	--	--	--	--	99
Hiram Straight	82	--	--	--	--	82
W. H. Gray	54	--	--	--	--	54
C. Pickett	50	--	--	--	--	50
N. Ford	23	--	--	--	--	23
J. M. Garrison	--	--	128	--	--	128
M. G. Foisy	--	--	131	--	--	131
Joseph Gervais	-	--	68	--	--	68
Barton Lee	--	--	90	--	--	90
W. H. Willson	--	--	49	--	--	49
Robert Newell	--	--	79	--	--	79
A. Chamberlain	--	--	74	--	--	74
F. X. Mathieu	--	--	14	--	--	14
Jesse Applegate	--	--	--	--	38	38
A. Hendrick	--	--	--	--	34	34
S. Smith	--	--	--	--	31	31
J. Richardson	--	--	--	--	29	29
R. Clark	--	--	--	--	10	10
M. M. McCarver	--	51	--	--	--	51
D. Lenox	--	39	--	--	--	39
D. Hill	--	53	--	--	--	53
C. Satton	--	28	--	--	--	28
V. W. Dawson	--	22	--	--	--	22
Jos. Gale	--	43	--	--	--	43
J. W. Smith	--	51	--	--	--	51
C. M. Walker	--	47	--	--	--	47
John McClure	--	--	--	11	--	11
George Simmons	--	--	--	10	--	10

Census Returns in Oregon in 1845.

County.	No. of Housekeepers.	No. Heads of Families.	Under 12 years of age.		12 and under 18 years.		18 and under 45 years.		45 and over.		Whole Number		Total Population.
			Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	
Clackamas	18	57	69	54	12	15	136	53	15	7	232	129	361
Champoic	24	85	142	136	45	37	171	114	42	18	400	305	705
Clatsop	17	29	14	18	1	3	42	8	4	1	61	30	91
Tualatin	14	127	115	109	28	24	142	90	26	6	311	229	540
Yamhill	16	109	79	65	31	24	124	57	23	9	257	155	412
Total	89	407	419	382	117	103	615	322	110	41	1261	848	2109

NOTE. A bill was passed by the Legislative Committee, December 24, 1844 submitting the question of "Convention," or "No convention" to frame a constitution at the election of June 3, 1845, as recommended by the Executive Committee in their message. The vote was—"Convention," 190; "No convention," 283; majority against convention, 93.

The question of "Old Organic Law," or "Amended Organic Law" was submitted to the people for ratification or rejection, on July 25, 1845, with the following result: Old organic law, 22; amended law, 255;—majority for, 233.

Treasurer's Report.

	DR.	CR.
By ferry license	$	$ 40 00
By fines to Government		52 78
By ad valorem tax		354 41
To stationery	30 00	
To sundries	302 93	
To A. Lawrence Lovejoy, administrator on Ewing Young's estate	300 00	
To jail fund (Dawson & Otey) contractors	291 66	
By order on Abernethy		300 00
To jail fund (Dawson & Otey)	145 83	
To H. Eunberg draft of jail on Ermatinger	12 00	
By order on Ermatinger		300 00
To Dawson & Otey	291 66	
" "	45 88	
	$1419 96	1047 19
Balance in treasury		$ 196 62

PHILLIP FOSTER,
Treasurer.

June 9, 1845.

Treasurer's Report.

	DR.	CR.
Amount of funds in treasury	$	$ 441 00
Received of A. L. Lovejoy admint'r Young's estate	2000 00	
Treasury scrip issued, not yet taken up	1100 00	
Legislature and clerks for which no scrip issued	500 00	3600 00
From the above, your honorable body will see that the responsibilities of the Government are	3600 00	
Deduct funds in hand	441 00	
And there will remain a balance of		$3159 00

FRANCIS ERMATINGER,
Treasurer.

Oregon City, Aug. 12, 1845.

Treasurer's Report.

	DR.
To the estate of Ewing Young	$2315 00
To scrip issued and unpaid	500 00
To F. Ermatinger, merchandise	400 00
To legislature (supposing the session to continue 20 days)	560 00
To salaries of governor, judges and clerks	900 00
Total	$4675 00

F. ERMATINGER,
Treasurer.

Oregon City, Dec. 10, 1845.

Sheriff's Report for 1845.

Joseph L. Meek, sheriff and tax collector for the Provisional Government, submitted the following report and bill to the Legislative Committee of 1845, for tax collected as levied in 1844, and his bill for services rendered in the year 1845.

TAX COLLECTED.

The amount collected in the upper country	$396 77
" " " Clatsop county	11 39
Total	$408 16
Deduct per cent. allowed for collecting	40 81
Balance	$367 35
Amount paid to treasurer	$356 77
" in my hands	10 58
Total	$367 35
Amount still unpaid in upper country	70 41
" " " Clatsop county	2 57
Total	$ 72 98
Three orders of no value for taxes	3 37

PROVISIONAL GOVERNMENT.

Taking census in 1844,—2107 persons at $5.00 per hundred	$105 35
Attending circuit court	100 53
Total	$205 88

JOSEPH L. MEEK,
Sheriff.

[No date.]

1846.

MEMBERS OF LEGISLATURE; GOV. ABERNTHY'S MESSAGE; VETO OF LIQUOR LAW; MEMORIAL TO CONGRESS; MILITARY COMPANY; BATTLE CREEK BATTLE; LIEUT. HOWISON'S REPORT AND WRECK OF THE SHARK; ASSISTANCE RENDERED—CORRESPONDENCE OF SAME; HIS REPORT ON THE COUNTRY, PEOPLE, RESOURCES, ETC.; OGDEN AND DOUGLAS LETTER; PUGET SOUND AGRICULTURAL SOCIETY; CONGRESSIONAL—FLOYD'S REPORT; BLAIR'S REPORT ON THE COLUMBIA RIVER; MAGINN'S OPINION; PRESIDENT'S SPECIAL MESSAGE; SENATE PROCEEDINGS ON THE RATIFICATION OF THE TREATY; PROVISIONAL GOVERNMENT SEAL; DOUGLAS'S LETTER ON THE TREATY; NOTES; ELECTION RETURNS AND OFFICIAL REPORTS.

THE year 1846, was the most prosperous the settlements had yet known. The harvest of the previous year having been abundant the people were enjoying peace and prosperity.

The election for members of the legislature and for county officers, occurred on Monday, June 4th. The legislature met at Oregon City, Dec. 1, 1846, in second annual session, with the following members:

Clackamas county—Hiram Straight, A. L. Lovejoy, William G. T'Vault; *Champoic*—Angus M'Donald, A. Chamberlain, Robert Newell, Jesse Looney; *Clatsop*—George Simmons; *Tuality*—Joseph L. Meek, D. H. Lownsdale, Lawrence Hall; *Polk*—J. E. Williams, John D. Boon; *Yamhill*—Thomas Jeffreys, Absalom J. Hembree; *Vancouver*—Henry M. Peers; *Lewis*—Wm. T. Tolmie.

The legislature organized by electing A. L. Lovejoy, Speaker; N. Huber, Chief Clerk; H. M. Knighton, Sergeant-at-arms.

The Governor immediately sent the following message which is inserted in full as it contains matter, interesting as well as historically valuable:

To the Honorable the Legislative Assembly of Oregon:—

FELLOW CITIZENS.—The duty of addressing you at the opening of your session once more presents itself. The duty of legislating for the welfare and happiness of the community, again devolves upon you. May we be guided and directed by that Wisdom that never errs.

The boundary question—a question of great importance to us as a people, there is every reason to believe, is finally settled. The following is an extract from the

Polynesian, a paper published at the Sandwich Islands, of the 29th of August last: "The Senate ratified the treaty upon the Oregon question, by a vote of 41 to 14—27 majority.

This the *Polynesian* credits to the *New York Gazette and Times*, of June 19, —showing that a treaty had been entered into and probably concluded between the two Governments. The provisions of the treaty are not yet known to us in Oregon, further than what we gather from the letter of Sir George Seymour, the British Commander-in-chief in the Pacific, to the agent of the Hudson's Bay Company at the Sandwich Islands—being an "extract of a private letter from A. Forbes, Esq., consul at Tepic, to Sir George Seymour." "I send you an American newspaper, which Mr. Bankhead has requested to be forwarded to you, and which shows that the Oregon question is entirely settled—the 49th degree is to run on to the Straits of Fuca, the whole island of Vancouver being left in possession of England, and the said Straits of Fuca, Puget's Sound, etc., remaining free to both parties. The Columbia river is also free to both parties until the expiration of the charter of the Hudson's Bay Company—when the whole to the south of the 49th degree is to belong to America, with the exceptions mentioned."

Should this information prove correct, we may shortly expect officers from the United States' Government to take formal possession of Oregon, and extend over us the protection we have long and anxiously looked for.

The notice that the joint occupation of Oregon would cease after twelve months, was given by the President of the United States to the Government of Great Britain. The President in his message of 1845, before the notice was given, speaking of Oregon, says: "It will become proper for Congress to determine what legislation they can in the meantime adopt, without violating the convention. Beyond all question, the protection of our laws, and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon." As yet we have not been made acquainted with any action of Congress that would extend the jurisdiction of the United States over us; but from the feeling that prevailed in Congress with regard to this country, and the sentiment set forth by the President, previously to the notice having been given, there can be no doubt but that now—the notice having been given—the boundary line in all probability finally settled, we shall in a few months at farthest, be again living under, and enjoying the protection of the stripes and stars of our loved country, and erelong we may reasonably hope, be added to the brilliant constellation.

In view of the above, and as the preamble of our Organic law sets forth the fact, that we agree to adopt the laws and regulations of our Provisional Government, "until such time as the United States of America extend their jurisdiction over us," and as that time probably is near at hand, it remains with you to determine whether it will be better, after confirming the appointments, filling vacancies, making the necessary appropriations and attending to the unavoidable business of the session, to adjourn, either to meet in the spring, at which time we will undoubtedly have all the proceedings of Congress relative to this country, passed at the last session, or at the call of the Executive, should he be put in possession of the intention of the U. S. Government respecting us, or whether you will go on with the regular business of the session as if nothing was done for us, or expected by us. In the latter case, there are laws that need revising, and some laws that are very necessary for the welfare of the territory that should be passed.

The law establishing the postoffice department needs altering very materially. It was found after being in operation but a short time, that the rates of postage were altogether too high, amounting indeed, to a prohibition; the revenue arose almost entirely from the postage on newspapers, but fell so far short of the expenses, that the Postmaster General, at the close of the third quarter stopped sending the mail. I would recommend that the rates of postage be reduced to five cents on each letter; double letters and packages in proportion, and one cent on each newspaper. A mail route should be kept up between the principal sections of our territory, and I have no doubt, if the postage is reduced, the revenue arising from the receipts of the office, would very nearly or quite pay the expenses.

The act passed at the last session of the legislature, entitled "An Act to Prevent the Introduction, Sale and Distillation of Ardent Spirits in Oregon," is one that I should recommend for revision; there are several points in which it is thought to be defective. The Organic law provides that the legislature shall have power to "pass laws to regulate the introduction, manufacture, or sale of ardent spirits." It is held that the power to prohibit the introduction, manufacture or sale is not granted by the Organic law. Another objection is, that the fine collected under this act, shall go one-half to the informant and witnesses, the other half to the officers engaged in arresting and trying—in fact, making the witnesses and judges interested in the case. The fourth section of the act makes it the duty of any officer or any private citizen to act, whenever it shall come to their knowledge that any kind of spirituous liquors are being distilled, or manufactured in Oregon. It would be much better if it were made the duty of the sheriff of each county to act whenever he should be informed that liquor was being made or sold in his county, and authorize him to raise a sufficient force to aid and assist him in enforcing the law. We have as a community taken a high stand in the cause of temperance; among our earliest efforts may be found the abolishing of ardent spirits from our land; and to this in a great measure, may be attributed our peace and prosperity. No new country can be pointed out where so much harmony prevailed in its first settlement, as in this. Laws, we had none; yet all things went on quietly and prosperously. I have no doubt if the sale of ardent spirits is kept within its proper limits we shall continue to prosper.

It is said by some that we have no right to say what a man shall make, or what he shall not make. Yet we find in all large cities, that certain manufactures are forbidden to be carried on within the limits of the city, because they annoy the inhabitants, and hence are declared to be public nuisances, and by law are compelled to be removed; and if the city increases and extends to the place where they have retreated, they are removed again. Intoxicating drink is an enormous public injury and private wrong; its effects in every way, shape and form, are evil, and therefore should be restrained within proper limits by law. It deprives the wife and children of the inebriate of the support and protection they have a right to expect of him. It deprives the community of the labor which constitutes the nation's wealth; for it is a well known fact, that the wealth of nations is made up of individual labor, and every day thereof lost by the effects of alcoholic drink, is loss to the community at large. Persons who had become habitually addicted to the use of ardent spirits, hearing that we had excluded the poison from our land, and believing they never would get free if they remained near its influence, have left their homes and crossed the Rocky mountains to escape the ruin that threatened them. Shall they be disappointed? During the past year, persons taking advantage of the defect in our law, have manufactured and sold ardent spirits. We have seen the effects (although the manufacture was on a small scale) in the midnight carousals among the Indians in our neighborhood during their fishing season, and while they had property to dispose of, and me let ask what would be the consequences, if the use of it should be general in the country and among the different tribes of Indians in the territory.

History may hereafter, write the page in letters of blood—and what are the consequences as presented to us in the history of older countries, of an indiscriminate use of ardent spirits? Almshouses, hospitals, prisons, and the gallows. I would therefore recommend that one person, and that person a physician, be appointed and authorized to import or manufacture a sufficient quantity to supply the wants of the community for medicinal purposes; to dispose of no liquor except when he knows it is necessary, or on an order from a regular physician, stating that the person applying stands in need of it for medicinal purposes; and to physicians to be used in their practice. The person so empowered to import, manufacture and sell, to keep a record of the quantity manufactured or imported. Also a record of the quantity sold or disposed of, and to whom, and the name of the physician on whose certificate given. This would be attended with but little trouble, and might be required to be given under oath. Many articles require alcohol to dissolve them—this could be done by taking the article to the person appointed, and having the alcohol put on the ingedient in his presence.

Section fifth of the law, I would recommend to be altered so that the fines and penalties shall go one-half to the informer, and the other half into the treasury. I would recommend that the penalties for manufacturing be increased. If the indiscriminate sale of liquor be admitted as an evil, no good citizen can wish to be engaged in it. I have said more on this subject than I should have done, did I not fear an attempt would be made to break down the barrier raised by the early settlers of the land.

There will be several proposals laid before you in regard to locating the seat of Government, but under the present aspect of affairs I think it best to postpone the subject for the present.

A subject of great importance to us as a people presents itself in our commercial regulations. That this will be a commercial nation there can be no doubt in the mind of any person acquainted with our location; it is therefore our duty to commence preparing the way for shipping to enter our harbors. The first requisite for the mouth of the Columbia river is a good pilot or pilots. Many ships employed in the whale fishery would no doubt enter our river and remain with us during the winter, if they were sure of obtaining a good pilot to bring them in safely over the bar, and conduct them out when ready for sea. Vessels can, without doubt, enter and depart from the mouth of the Columbia river, with as much safety as they can in the majority of sea ports in the United States. It needs only a careful pilot, well acquainted with the currents, landmarks and shoals, to make it perfectly safe for vessels to enter our port. I therefore recommend that a branch be established at the mouth of the Columbia river, and that a board of commissioners be appointed, whose duty it shall be to examine all persons applying for license to act as pilots, as to their capability so to act. Connected with this is the means to prevent seamen from deserting. If seamen are at liberty to leave their vessels and secrete themselves among the inhabitants, or be provided for and protected by them, until their vessels leave, we can never hope to see our ports frequented by vessels for the purpose of refitting and obtaining supplies. I would therefore recommend that a heavy penalty be imposed on any person who shall entice a seaman to leave his ship, or who shall harbor, secrete, employ or in any wise assist a deserter. This may appear severe, but when, on reflection, we consider that these men voluntarily entered into a contract to perform certain duties, and that the safety of the vessel they belong to, and the lives and property on board depend upon their faithfully fulfilling their contracts, the severity vanishes at once. We should consider that a vessel lightly manned, which must be the case if a part of the ship's crew desert, as there are no seamen here to supply their places, runs a great risk in working out of our harbor; a risk that ship masters and ship owners will not be likely to run. Unless regulations can be made that will prevent desertion, vessels will avoid our ports, and without vessels the produce of the farmer must remain on his hands, and in this way work an injury all round, and one that will be felt by all classes in the community.

Our courts, as at present regulated, have not answered the expectations of the framers of the law, but as the jurisdiction of our courts will soon cease, it will probably not be worth while to enter into any new arrangement.

I regret being compelled to inform you that the jail erected in Oregon City, and the property of the territory, was destroyed by fire on the night of the 18th of August last, the work, no doubt of an incendiary. A reward of $100 was immediately offered, but as yet the offender has not been discovered. Should you think best to erect another jail, I would suggest the propriety of building it of large stones clamped together. We have but little use for a jail, and a small building will answer all purposes for many years, I have no doubt, if we should be successful in keeping ardent spirits out of the territory.

There is one subject which I would lay before you in reference to the Indian population, and that is the extent the law intends to allow them in their villages. Complaints are made by the Indians that they are encroached on by the whites. Cannot some way be devised, by which their villages can be surveyed, and stakes set, inside of which boundary the whites may not be permitted to enter and build? The Indians inhabited these villages previous to our arrival and should be protected by us. The time, no doubt, is near at hand, when the agent of the United States Government will be here, and these matters will be arranged by him, but until he arrives, I deem it necessary that some provision be made by you as it may save trouble and difficulty.

Another emigration has crossed the Rocky mountains, and most of the party has arrived in the settlements. About 152 wagons reached this place very early in the season, via Mr. Barlow's road, for which a charter was granted him at your last session. About 100 wagons are on their way, if they have not already arrived in the upper settlements by a southern route. They have no doubt been detained by traveling a new route, the difficulties attending the opening of a wagon road are very great, and probably will account in some measure for their detention. The emigration falls far short of last year's, probably not numbering over one thousand souls. This is accounted for by a great part of the emigration turning off to California. We trust that those who have come among us, may have no cause to regret the decision that brought them to Oregon.

I would call your attention to the subject of education. Without education no country can be prosperous, it therefore becomes the duty of the legislature to provide liberally for the education of the rising generation.

I am happy to say that the past year has amply repaid the tiller's toil; our harvest has been abundant, and the season for gathering in the crop was dry, enabling the farmer to secure the reward of his labor free from injury.

During the past season we have enjoyed throughout our territory the blessings of health. These blessings and mercies call for our gratitude; may we ever feel our dependence on the Divine Being through whom we receive them, and our prayers continually ascend to Him for wisdom to guide us in the important duties to which we are called.

GEO. ABERNETHY.

OREGON CITY, December, 1846.

On December 17th the Governor vetoed "An Act to Regulate the Manufacture and Sale of Wine and Distilled Liquors," stating that on account of the condition of the Indians, it was dangerous to allow any one to manufacture or sell liquor in the territory, as there were men who would sell to the Indians for furs or horses, thus greatly endangering the peace of the community. The real reason for the passage of this bill was that every ship that came into the Columbia river, especially those of the Hudson's Bay Company, brought liquor, and as that traffic could not be stopped, it was thought that it might as well be manufactured in the territory, as since the evil could not be obliterated from their midst, it would be better to retain the profit in the country also. The bill was passed over the veto by the following vote: Yeas—Messrs. Boon, Hall, Hembree, Lownsdale, Looney, Meek, Summers, Straight, T'Vault, Williams and Mr. Speaker—11. Nays—Messrs. Chamberlain, McDonald, Newell, Peers and Tolmie—5. It will be observed that all who voted for the law were American citizens by birth and sympathies, while those who voted against it, except Dr. Newell, were either English or men connected with the Hudson's Bay Company. Dr. Newell had always sympathized with that company and acted with them. McDonald was a Scotchman, Chamberlain a Canadian, both discharged employees of that company; W. F. Tolmie an officer, and Henry N. Peers a discharged servant, which explains their vote against the law and their desire to allow that company to have exclusive control of the trade.

Through some cause the remainder of the journal of the House, dating from Dec. 19, 1845, has been lost.

The following memorial was drawn up, adopted and sent to Congress:

MEMORIAL OF THE REPRESENTATIVES OF THE PEOPLE OF OREGON IN LEGISLATURE ASSEMBLED, DECEMBER, 1846.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the representatives of the people of Oregon in Legislature assembled, do respectfully solicit, that the following subjects herein contained may claim the attention and sympathy of your honorable body.

Oregon is so situated that it will, erelong, occupy an enviable position amongst the civilized portions of the world; in proof of which, permit us to refer your honorable body to the report of committee in the United States Congress, on Post Offices and Post Roads, April 20, 1846, wherein are fully set forth the salubrity of its climate and the fertility of its soil, as well as the many other advantages bestowed by nature's God on this favored portion of his earth, which, although three thousand miles distant from the United States, seems destined soon to become a central point of commerce and happiness.

We here beg to insert the following statement, representing the eligibility of the Columbia river, as a quarter from whence supplies could be furnished for the navy cruising in the Pacific. Bread stuffs could be supplied in large quantities and on the shortest notice, say 5,000 barrels of flour, or part in biscuit if preferred. Salt beef and pork, should a demand arise, could also be prepared—say by the 1st of May, 1848, 3,000 barrels salt beef. The above estimates, of flour particularly, are guardedly moderate; let but markets open and our productive powers would rapidly increase. Lumber can always be supplied in abundance, and tar and pitch could soon be manufactured if such should be required by the navy. In connection with this subject, it will be proper to mention that flax and hemp have been successfully cultivated in small quantities, and could be made articles of export were encouragement offered.

Many of us have been induced to seek homes in this remote Territory, from promises held out by some action of your honorable body. Our population is of a character to be envied by older settled countries; but, we would not presume on the wisdom of Congress by saying, give us land. Those among us who have overcome the difficulties of the journey to Oregon, as well as those who first encouraged agriculture and civilization by their early settlements in this country, here conjointly submit to the impartial judgment of your honorable body, their claims on the Government to secure them in their homes. We however, think we have some right to expect a grant of land, not only we ourselves, but those who may immigrate for the next few years. Many of us are settled under the provisions of the Organic law, which provides that any person is entitled to hold 640 acres of land. The claims, as we call them, are taken up in accordance with the above named law, either in a square or oblong form, and some portions of the country are entirely occupied. Should therefore your honorable body in its wisdom conclude to sanction our title to these claims, we hope we may be permitted to hold them as now located, otherwise great inconvenience and hardships must necessarily result.

On the subject of education, your memorialists would beg to present for your honorable consideration, that in this, as in the settlement of all new countries, insurmountable barriers present themselves to the general diffusion of education, that the unavoidable sparsity of settlements and the numerous pecuniary inconveniences offer but limited inducements to competent preceptors is a fact but too apparent. Upon the consideration therefore, that the general diffusion of knowledge is among the leading principles of a government founded upon republican principles like that of the United States (which government we are prayerfully awaiting to be extended over us), where the people may not only in semblance, but in reality have the care of their political institutions; and as their ability to exercise that power in a manner that will be the most conducive to the prosperity and preservation thereof, depends materially upon the general diffusion of education—we say upon these considerations, and in view of the disadvantages under which we labor, your memorialists most respectfully beg to suggest the propriety of adopting some measures which shall have for their tendency the removal of those barriers above mentioned, and place a sound elementary education within the reach of all. Your memorialists will not pretend to devise ways and means, but presuming upon the known liberality of the enlightened government of the United States, we fondly cherish the hope that erelong we may receive that timely assistance which has invariably been afforded by liberal grants of land, and otherwise, in different portions of the Union.

The difficulty of sailing vessels navigating the Columbia, on their upward passage during the winter season, and the dangers to be encountered by them in crossing the bar of that river, is another subject to which we would most respectfully solicit the attention of your honorable body.

No greater drawback has perhaps as yet presented itself to the welfare of our community, than the tardy movements of ship owners in sending vessels to this river, whereby we might be enabled to dispose of the produce of our lands and prevent those unavoidably high prices on the part of the merchant to which we are at present subject.

The reluctance on the part of merchants above alluded to, is doubtless caused in a great measure by the risk to which merchandise is subject in crossing the bar, and the loss of time and expense consequently incurred by sailing craft in arriving at their destination.

The causes of the difficulties to which we have reference, are as follows: That with respect to crossing the bar, a vessel is under the necessity, from the intricacy of the passage, to await what is generally termed a fair wind, and also, in most cases a particular stage of the tide. She is subject both to natural calms and calms caused by Cape Disappointment and the adjacent highlands; and also to the influence of numerous currents setting towards different points according to the stage of tide.

During five months of the year, we may say the wind almost universally blows down the river, so that an inward bound vessel usually takes from one to two months in advancing a distance of 100 miles, or from the entrance of the Columbia to Portland on the Willamette river.

A more detailed description of the intricate navigation of this river, we presume would be superfluous, as the journals of Commodore Wilkes, Captain Belcher and others have doubtless come under the observation of your honors. We have, during our present session, done our utmost for the safety of vessels in establishing a pilotage; but at the same time, are of the opinion that nothing but the aid of steam vessels will save that loss of labor, time and property of which we speak. We therefore, your memorialists, would most earnestly petition your honorable body for the use of a steam towboat which might enable vessels either to enter or leave the river at all seasons, and be of infinite service in the navigation of the stream itself.

Before closing this our memorial, we cannot but express with mixed astonishment and admiration, our high estimation of a grand project (the news of which has found its way to Oregon) by the memorial of George Wilkes, Esq., for a railroad from the Atlantic to the Pacific ocean. That such a thing should exist, cannot but be obvious to every person, particularly to those who have traveled from the United States to Oregon. And although some years may roll by before the completion of this great undertaking, yet we shall anxiously look forward to the time when, by such a work, commerce shall stride with gigantic steps over those wild and solitary regions now known only as the hunting grounds of the trapper or the red man.

In conclusion, your humble memorialists having presented for your consideration some of the most important subjects to the prosperity and well-doing of our adopted country, do most earnestly and respectfully pray that they may meet such reception and consideration, as shall redound to the peace and prosperity of all interested and the furtherance of an attachment to the Government of the United States of America, as shall cease only with our existence. And your memorialists, as in duty bound, will ever pray.

Attest, N. HUBER, *Clerk.* A. L. LOVEJOY, *Speaker.*

There had been several attempts to organize military companies in Oregon, but from various causes, principally the sparseness of settlement, they had not been successful, but an unusual effort was made in May, 1846, and a goodly number met pursuant to notice at Hon. Daniel Waldo's farm and organized according to the following proceedings, which is copied from the *Oregon Spectator*, June 11, 1846:

On motion, Mr. T. D. Keizer was called to the chair, and Thomas Holt was appointed secretary. The following preamble was read and adopted:

WHEREAS, The people of Oregon territory are situated remote from, and without the protection of any Government, we, therefore as members of a free and enlightened community, wishing to preserve the principles and institutions of a free and republican form of Government, and being well aware that the body of the people is the only power capable of sustaining such institutions, therefore we deem it advisable to form ourselves into military bodies, for the purpose of preserving peace and order at home, and preventing aggression from abroad—having this precept before us, that

Eternal vigilance is freedom's price—
Its deadly bane is ignorance and vice.

On motion, it was *resolved*, That we, as citizens of said territory, in pursuance of this duty, forthwith organize ourselves into a company of mounted riflemen, and pledge ourselves to abide by such rules, regulations and laws as may be adopted by a majority of the company. On motion,

Resolved, That this company shall be called "The Oregon Rangers."

On motion, the president proceeded to read a code of by-laws for the government of the troop, which was adopted. After which forty-five joined the company by subscribing their names to the by-laws.

The following were elected officers of the company: Captain, Charles Bennett; first lieutenant, A. A. Robinson; second lieutenant, Isaac Hutchins; third lieutenant, Hiram English; orderly sergeant, Thos. Holt; second sergeant, Thos. Howell; third sergeant, S. C. Morris; fourth sergeant, William H. Herron; First corporal, P. C. Keizer; second corporal, Robert Walker; third corporal, B. Frost; fourth corporal, John Rowe.

It is much to be regretted that a complete roll of that company can not be obtained, as it contained some men who afterwards took an important part in the affairs of the territory and state. First was Capt. Charles Bennett, who had served in the regular United States army, and was honorably discharged as orderly sergeant. Coming to Oregon in 1845, he resided at Salem until 1847, when he went overland to California with Hon. Stephen Staats and others. He went to work in Captain Sutter's mill, and was walking with Mr. Marshall when the first piece of gold was found. Whether Marshall or Bennett picked up the piece will never be known, but Bennett pronounced it *gold*, and made such tests as to establish the identity of the metal. Mr. Bennett mined and traded in California for two years, then returned to Salem to live, having made considerable money. He was an enterprising man and erected the first hotel building in that city. He was a born soldier and as brave as a lion. He led a company of volunteers in 1855, and was killed at the head of his company in the heaviest battle of the war. He was brought to Salem for burial. Hon. Daniel Waldo and Hon. T. D. Keizer both served as members in the Oregon legislature. W. H. Herron was sheriff of Marion county and filled other important positions.

About a month after their organization, while drilling under the command of Lieutenant Robinson (Captain Bennett being absent) word was brought to the company that a band of Indians, in camp a few miles away, were committing various depredations and the settlers wanted assistance. This was a good opportunity for the newly organized militia to display their valor, and accordingly they proceeded to investigate, and if necessary, to give the savages an example of their prowess, and inflict a severe chastisement. The following is a written statement furnished by a gentleman who lived at that time near the scene of action.

The Battle Creek Affair.

In June, 1846, a party of Indians, Wascopams, from The Dalles, or Warm Springs in Wasco county, made their appearance in the southern part of Marion county. Whether they came via the Indian trail north of Mount Hood, or by the one leading into Santiam valley is not known. They appeared and located their camp for a time on the northwest of Looney Butte in the lower Santiam valley, and soon afterwards attracted the attention of the scattered settlers both by their numbers and their rather free and easy behavior. In the then condition of the settlement, it required but little that was unusual to attract such attention. Hamilton Campbell, a member of the recently dissolved M. E. Mission, had become owner of the cattle of the mission by purchase, and these cattle ranged on the hills between the Santiam river and Mill creek to the north where the mission was and Salem now is located. A rumor was started in the settlement that the Indians were killing and eating from the cattle ranging in the vicinity of their camp, and upon that rumor a young man was sent to ask the aid of Captain Bennett's company of rangers, who met for drill every Saturday at the farm of Daniel Waldo, in the range of hills now bearing his name. The messenger found the rangers drilling under command of Lieutenant A. A. Robinson, second in command (Captain Bennett being absent). Robinson gave the order to march to where the Indians were supposed to be. There was nothing in the way of a quick gallop across the country, the distance being about fourteen miles. The Indians had (seemingly entirely unaware of being a cause of alarm) moved their camp some four miles northward towards Salem, and the horsemen having got onto the trail between Salem and the Santiam settlement, a little north of where the Indians set their new camp in a fringe of brush bordering a small stream, were right in amongst the Indians when they became aware of their presence. The party had been riding very briskly and, of course, under some excitement. Their sudden appearance and sudden stopping on seeing the Indians, alarmed the latter and they took to such cover as the little fringe of brush afforded. It is not certain whether it was an Indian or a white man that fired the first shot. Which ever it was, it was without orders. It was never questioned that David Daily fired at close range and an Indian fell. The whites, at this time, were crowded together and the Indians began a desultory fire from the brush, some of them having pistols and some having the small fusee, which was the gun of the Hudson's Bay Company's trade with the Indians. That the Indians were poorly armed is sufficiently indicated by the fact that no white man was touched, while thus exposed to the fire of the Indians in the cover at close range. The command was soon given, however, to retreat, and the whites formed in some little order at long rifle shot from where the Indians were, and a few scattering shots were sent into the brush at random.

This was soon stopped, and the leader of the Indians demanded to know why they were attacked in that manner. On being informed that it had not been the intention to attack his party, but that information had been circulated amongst the whites that his party were killing and eating the cattle which belonged to white men, and they had come to see about it. This, the Indians stoutly denied, and the proof of the charge was not made. No further shooting occurred, and the casualties were one *white man badly frightened*,[1] and one Indian shot through the fleshy part of both thighs. As everything could be settled with the Indians for a property consideration this man's case was no exception. A gift of a pony and a pair of blankets settled the trouble, and the trouble and the name of it settled Captain Bennett's company of Oregon Rangers. It needed no instruction after the affair of Battle creek. Public spirit wilts under ridicule. The effect of a prospective fight had such an effect upon one of the Rangers as to bring the action into ridicule. The Indian recovered from his wounds; the ranger never recovered.

The Mounted Riflemen.

On May 19, 1846, Congress passed an act authorizing the raising and equipping of a mounted regiment of riflemen and establishing military posts in Oregon, with the same pay and allowances to dragoons, and for extra duty 15 cents per day. The sum of $76,500 was appropriated for mounting and equipping this regiment. The sum of $3,000 was appropriated for each military post that the President might authorize to be built on the route to Oregon. Stat. at large, 1st Sess. Ch. 23, p. 14, 1846.

Lieutenant Neil M. Howison's Report.

Lieutenant Howison, United States navy, was ordered by Commodore Sloat to take the United States schooner *Shark* and proceed to the Columbia river. The *Shark* left the Sandwich Islands June 23d, and arrived off the mouth of the river July 15th, and was compelled to lay off for three days and entered on the 18th. Being warned by Captain Mott, of the Hudson's Bay Company's barque *Vancouver*, and Captain Crosby, of the American barque *Toulon*, that the bar of the river had shifted, and not to depend upon Commodore Wilkes' chart, he took a small boat and sounded out the channel and made his entrance safely. Thus it was that Commodore Wilkes' chart was out of date even before it had been published, as Lieutenant Howison had a copy on tracing paper. On arriving at Baker's bay, he was boarded by Messrs. Lovejoy, Gray and Spaulding, who happened to be at Astoria. After a negro pilot had run the schooner on to a sand bar, Mr. Lattie, formerly a mate of a Hudson's Bay Company's ship, took the vessel to Astoria, where he remained three days, visiting the American settlements on Clatsop plains, obtaining all the beef and vegetables he required. The *Shark* reached Fort Vancouver July 24th, where he found Her Britannic Majesty's sloop-of-war *Modeste*, Captain Baillie. On the 26th he dropped down to the mouth of the Willamette, but could not enter, and returned to Vancouver. Lieutenant Howison sent his lieutenant with a boat to Oregon City, accompanied by a letter of instructions to refrain from engaging in arguments touching the ownership of the soil, as he considered it his duty "to allay rather than increase excitement on a question which no power hereabouts could settle." Lieutenant Howison learned that the British Government had the sloop-of-war *Modeste*, in the Columbia, the frigate *Fishgord* in Puget Sound, and the strongly armed steamer *Cormorant* in the sound and about Vancouver's island. These unusual demonstrations of power were a source of great irritation to the Americans. "The English residents calculated with great certainty upon the river being adopted as the future dividing line, and looked with jealousy upon the American advance into the northern portion of the territory, which had some influence in restraining immigration." Lieutenant Howison went up to Oregon City and was received with a salute, in which blacksmith anvils were used in place of cannon. From Oregon City, accompanied by Governor Abernethy, the lieutenant took a trip up the Willamette, and is very enthusiastic in his description of the valley and the manner in which he was received by the people. He says: "I had previously dispatched the first lieutenant, W. S. Schenck, up the Columbia river as high as The Dalles, to find out what settlements had been made along the banks, and more particularly to gain information of the large emigration which was expected in * * * from which we should get dates as late as June. When Captain Wilkes left the the river in 1841, he placed the *Peacock's* launch, at that time a splendid boat, in charge of Dr. McLoughlin, to be used in assisting vessels about the bar, should they need it. After this boat had remained a year in the water without being of any use, she was hauled up on shore, and was found completely out of order from the effects of decay and shrinkage. Many applications had been made for her by American emigrants, but Dr. McLoughlin did not feel authorized to deliver her to any other than a United States officer. "I thought it good policy to sell her for the benefit of the Government, as the man who purchased her for $150, did so with the intention of using her as a pilot boat." On August 23d the *Shark* started down the river and reached Baker's bay on September 8th. "The 9th was devoted to observations on the bar and preparations for crossing it. On the 10th, in the afternoon, the attempt was made and resulted in the shipwreck of the schooner." The crew all made their escape with only the clothes they wore. Lieutenant Howison immediately went to Fort Vancouver, where all of his wants were supplied by the officers of the Hudson's Bay Company, by taking bills on Baring Bros., at par, and a free gift of a boat load of provisions from the officers of the *Modeste*. Governor Abernethy and Captain Couch, of Oregon City, offered assistance. October 11th, Lieutenant Howison chartered the Hudson's Bay Company's schooner *Cadbow*, for £500 to take him and crew to San Francisco, but did not succeed in getting out of the river until January 18, 1847, and arrived at San Francisco on the 27th. The following letters will explain themselves:

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[1] It required a wet-nurse application of water to restore the victim to normal condition.

FORT VANCOUVER, September 11, 1846.

DEAR SIR: We have just heard of the unfortunate accident which has befallen the *Shark* on the bar of the river, and we beg to offer our sincere condolence on the distressing event. We also beg to offer every assistance we can render in your present destitute state, and hope you will accept of the few things sent by this conveyance. Captain Baillie having dispatched bread and tea by the *Modeste's* pinnace anticipated our intention of sending such things. Have the goodness to apply to Mr. Peers for any articles of food or clothing you may want, and they will be at your service if he has them in store. As the people of Clatsop can furnish abundance of beef and potatoes, we are not anxious about your suffering any privation of food. If otherwise, Mr. Peers will do his utmost to supply your wants. With kind remembrance to the officers, we remain yours truly,

PETER SKEEN OGDEN,
JAMES DOUGLAS.

HER MAJESTY'S SLOOP MODESTE,
FORT VANCOUVER, COLUMBIA RIVER, September 13, 1846.

SIR: It was with the greatest regret that I this morning received information of your vessel being on the sands at the mouth of the Columbia. From the hurried information I have received, I much fear that my boat will be too late to render any assistance in saving the vessel; but in the possibility of your not having been able to save provisions, etc., I beg to offer for your acceptance a few of such articles as are not likely to be obtained at Clatsop.

I have the honor to be your obedient servant,

THOS. BAILLIE,
Commander.

LIEUTENANT HOWISON,
Commanding U. S. Schooner Shark.

BAKER'S BAY, Friday, November 9, 1846.

SIR: I much regret the melancholy disaster which befell your vessel on Wednesday evening, and also my inability to render you any assistance at that time. The Indians tell me there are several lives lost, but I hope such is not true. I am informed you wish to occupy part of the house at Astoria; it is at your service, as also anything else there in the shape of food or clothing; and I must, at the same time, apologize for offering you such poor accommodations. I sent off a dispatch to Vancouver yesterday morning, to acquaint them of your distress, and expect an answer Sunday morning. HENRY PEERS,

Port Agent of Hudson's Bay Company.

TO CAPTAIN HOWISON.

OREGON CITY, September 15, 1846.

DEAR SIR: Last night we heard the melancholy tidings that the schooner *Shark* was lost on the south spit. It was painful intelligence, particularly as we are yet in doubt as to the safety of yourself, officers and crew. The letter we received at this place states that the probability is, all were saved, which I sincerely hope may be the case; but until we hear of the safety of all, we will be in an unhappy state of suspense. My first feeling was to leave all here and reach Clatsop as soon as possible, but I am situated in such a way, just at this time, I cannot leave. Should you not make arrangements to get away in the *Mariposa*, we have your room in readiness for you, and will be very happy to have you make one of our family, as long as you remain in the country, and any one of your officers that you may choose for the other room. I perceive the *Modeste's* launch was to leave with a supply of provisions for you for the present. If you wish anything that I have, let me know, and I will send it down immediately. I have plenty of flour, and I have no doubt but plenty of beef and pork can be obtained here for the crew. It will give me great pleasure to be of any service to you. Hoping to hear from you soon, and that yourself, officers and crew are all safe on shore and in good health, I remain yours truly. GEORGE ABERNETHY.

CAPTAIN NEIL HOWISON.

September 19, 1846.

DEAR SIR. * * * Should a vessel arrive belonging to the firm, I think you will have no difficulty in chartering her to go to California. I shall be happy to render you all the assistance that lies in my power. Should you wish any assistance as it regards money, or anything that I can obtain for you in Oregon, please inform me, and I will at the earliest date endeavor to procure it for you. Please accept my kindest regards to yourself and officers.

Yours truly. JOHN H. COUCH.

BAKER'S BAY, COLUMBIA RIVER,
December 1, 1846.

DEAR GOVERNOR: One of the few articles preserved from the shipwreck of the late U. S. Schooner *Shark*, was the stand of colors. To display this national emblem, and cheer our citizens in this distant territory by its presence, was the principal object of the *Shark's* visit to the Columbia; and it appears to me, therefore highly proper that it should henceforth remain with you, as a memento of parental regard from the General Government. With the fullest confidence that it will be received and duly appreciated as such by our countrymen here, I do myself the honor of transmitting the flag (an ensign and union jack) to your address nor can I omit the occasion to express my gratification and pride that this relic of my late command should be emphatically the first *United States* flag to wave over the undisputed and purely American territory of Oregon.

With considerations of high respect. NEIL M. HOWISON,[1]
Lieutenant Commanding U. S. Navy.

OREGON CITY, Dec. 21, 1846.

DEAR SIR: I received your esteemed favor of Dec. 1st, accompanied with the flags of the late U. S. Schooner *Shark*, as a "memento of parental regard from the General Government" to the citizens of this territory. Please accept my thanks and the thanks of this community for the (to us) very valuable present. We will fling it to the breeze on every suitable occasion, and rejoice under the emblem of our country's glory. Sincerely hoping that the "star-spangled banner" may ever wave over this portion of the United States,

I remain, dear sir, yours truly.
LIEUT. HOWISON, Lieut. Commanding. GEO. ABERNETHY.

Lieutenant Howison's report to the Commander-in-chief of the U. S. Naval forces is quite long, covering thirty-six printed pages. He employed all of his time in gathering information and formed a very favorable impression of the people and country. He made several very urgent and beneficial recommendations in regard to the development and fostering of commerce; which, if the "paternal Government" had heeded instead of discussing the "nigger question" would not only have been of great benefit to the struggling community, but would have saved several ships and many lives. However it was politics first, and the country afterwards.

Speaking of Dr. McLoughlin, he says:

> "The control of all the company's affairs west of the Rocky mountains was at that time (1820), and continued until 1845, to be in the hands of Mr. John McLoughlin. As this gentleman figures largely in the first settlement of the country, and continues to occupy a most respectable and influential stand there, it may be proper to describe him. He is a native of Canada, but born of Irish parents, he is well educated, and, having studied medicine, acquired the title of doctor, which is now universally applied to him. Of fine form, great strength, and bold and fearless character, he was of all men best suited to lead and control those Canadian adventurers. * * * He came I think, as early as 1820 to assume the direction of the Hudson's Bay Company's interest west of the Rocky mountains, and immediately organized the necessary trading posts among the Indians of Oregon and those on the more northerly coasts. He continued to maintain the superintendence of this increasing and most profitable trade, and by judicious selection of assistants, the exercise of a profound and humane policy towards the Indians,

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[1] Lieut. Howison in his report pp. 6-7 says: "October 16th the American barque *Toulon* arrived from the Sandwich Islands, and brought us the news of the Oregon treaty, Mexican war, and the occupation of California. * * * The right of ownership of the soil being decided by treaty, I no longer felt any reserve in hoisting our flag on shore; and it had been sometime waving over our quarters on the very spot which was first settled by white man on the banks of the Columbia. When we broke up and embarked, I transmitted this emblem of our nationality to Governor Abernethy.

* * * placed the power and prosperity of his employers upon a safe and lasting foundation. The doctor is now about 70 years of age; is still strong and active, of robust figure and rosy complexion, with clear gray eyes, surmounted by huge brows and a full head of hair, white as snow. He is a strict professor of the Catholic religion. He resides now altogether at Oregon City; is said to be on furlough from duty in the company's service, and devotes himself to the operation of a fine flour and saw-mill which he has built at the falls. He is active and indefatigable, and has by his advice and assistance done more than any man towards the rapid development of the resources of this country; and although his influence among his own countrymen, some few of the most respectable American settlers, and throughout the half-breed and Indian population, is unbounded, he is not very popular with the bulk of the American population. Some complaints against him of an overbearing temper, and a disposition to aggrandizement increasing with his age, seem not to be entirely groundless. He is, nevertheless, to be considered a valuable man; has settled himself on the south side of the river, with full expectation of becoming a citizen of the United States, and I hope the Government at home will fully appreciate him."

Speaking of the population, Lieut. Howison says:

"Simultaneously with the Canadians were discharged from the company's service other subjects of Great Britain, as farmers, mechanics, &c., chiefly from Scotland and the Orkney isles, besides some of the wild offspring from the Earl of Selkirk's emigrants to the Red River settlements, north of the lake of the Woods. * * * No important accessions occurred until the American missionaries, with their families came into the country; nor do I believe, prior to 1836, a single *white woman* lived here. It was not until the year 1839 that any regular emigrating companies came out from the United States; and these were small until 1842, when an annual tide of thousands began to flow towards this western window of our republic."

Lieut. Howison entertained a different opinion from Captain Wilkes who had left only a few years before. In regard to the necessity of some kind of a civil government. Lieut. Howison says;

"The people of Oregon had lived without law or politics, until the early part of 1845;[1] and it is a strong evidence of their good sense and good disposition that it had not previously been found necessary to establish some restraint of law in a community of several thousand people. Among the emigrants of this year, however, were many intelligent, reflecting minds, who plainly saw that this order of things could not continue in a rapidly increasing and bustling population; and that it became indispensable to establish legal landmarks to secure property to those already in its possession, and to point to newcomers a mode of acquiring it. A convention was accordingly held, and a majority of votes taken in favor of establishing a Provisional Government, 'until such times as the United States of America extend their jurisdiction over us.' The organic law or constitution was of course first framed, and made abundantly democratic in its character for the taste of the most ultra disciple of that political school. * * * The election for Governor excited the same sort of party array; but, as there were several candidates for this office, some new considerations may be supposed to have mingled in the contest. George Abernethy, Esq., a whole-souled American gentleman, was elected by a majority of the whole; nor did he receive any support from those under the Company's influence. This gentleman came to Oregon as secular agent to the Methodist mission in 1838 or '39, and, at the dissolution of that body, engaged in mercantile and milling business. He is very extensively acquainted with the country and people of Oregon, and is greatly respected for his amiable, consistent and patriotic character. He is a native of New York, and married a lady of Nova Scotia, and will make a valuable correspondent to the United States Government should it be desirable to communicate with Oregon."

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[1] The first meeting to organize a government was held Feb. 17, 1841.

"Large droves of American cows and oxen have annually accompanied the emigrating parties from the United States, and the Hudson's Bay Company have imported many from California; but of this indispensable appendage to an agricultural district, the far greater number in the Wilhammette[1] valley have sprung from a supply driven in from California through the instrumentality of Purser Slacum, U.S. Navy who visited Oregon eight or nine years ago as an agent of the Government. Chartering a small vessel in the Columbia, he carried down to San Francisco a number of passengers, gratis, whom he aided in procuring cattle, and purchased a number for himself besides, which were driven into the rich pastures of Oregon; their descendants are to the inhabitants a fertile source of present comfort and future wealth. It is but justice to the memory of Mr. Slacum to add, that from this circumstance, and others like it, evincing an interest in the welfare of the people, and a desire to aid their efforts in settling the country, no other official agent of the United States who has visited Oregon is held in equally high estimation or grateful remembrance by the early settlers here."

When Lieut. Howison arrived at San Francisco, a court of inquiry to investigate the cause of the wreck of the *Shark* was ordered which totally exonerated that gallant officer, as will be shown by the following extract from a letter of Commander Biddle. They also tendered a resolution of thanks to Captain Baillie and the Hudson's Bay Company. The services rendered by the captain of the *Modeste*, were of course courtesies that one naval vessel of any nation would instantly render another, but the motive of the officers of the Hudson's Bay Company, was entirely of another nature—what *they* furnished was paid for, and the proffered aid was made for the purpose of creating a good impression at the capital as they well knew it would be reported to our Government and aid them in any scheme they might wish to carry out. The following is Lieut. Howison's letter with extracts:

U. S. FRIGATE SAVANNAH,
Monterey, March 17, 1847.

DEAR GOVERNOR: We sail to-morrow for Valparaiso, from where I proceed across the Isthmus to the United States as bearer of dispatches. I cannot however leave the coast, without bidding you a friendly good-bye.

You will see by the annexed extracts, that I have passed the tribunal of investigation, unscathed. Upon getting hold of Wilkes' chart again (a copy of which was the only one I had on board the *Shark*), I found it afforded me an ample defense, setting down on the cape bearings where I struck, four and a quarter fathoms, and there not being *according to that chart*, a spot I could ground upon in less than two-thirds of a mile from us. Lest I should not find time to write Messrs. Ogden and Douglas a line, please send them a copy of that portion of the finding of the court concerning their kindness to us which is annexed.

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[1] Lieut. Howison's spelling of Willamette in his report.

I hope you got my letters by the *Toulon*, including a paper containing the boundary convention. Although I have been obliged to represent the navigation of your river as it really is, very dangerous and uncertain, I shall not fail to inform the Government how greatly these disadvantages will be diminished by the introduction of the same aids which other such entrances throughout the world are furnished with.

The little I have seen of California, has served only to elevate my opinion of your charming country; for certainly it is more proper to contrast, than compare anything hereabouts with the Willamette valley. Gen. Kearney is so disposing his forces—volunteers and regulars—as to ensure the peace of this country, but our latest advices from Eastern Mexico, give no grounds to hope for a speedy pacification in that quarter. After the *Savannah's* departure hence, we shall still have an 86 gun ship, the *Columbus*, two heavy frigates, four sloops-of-war, and two transport ships, to lay in the ports and along this western coast, and defend our population from impertinent interposition by water.

The middle of July will see me at Washington, and if an opportunity presents so late in the season, I will communicate all I can learn interesting to you and your friends in Oregon. Gen. Kearney will return overland by September next. With him I have had a great deal of conversation about Oregon, and he tells me his influence will be exerted to induce speedy action in and attention to its interests on the part of the General Government.

With respects to all my friends, and particlar regards to your lady and family.

I remain dear sir,

Very Faithfully Yours
Neil M. Howison

GEORGE ABERNETHY, ESQ.
Oregon City.

Extracts.

"And it appears further to the court, that the timely and needful supply of provisions, etc., which were so promptly furnished to the wrecked officers and men of the *Shark*, by Captain Baillie, of H. M. S. *Modeste*, and the Hudson's Bay Company, contributed much to their relief and comfort, and was praiseworthy in the highest degree."

E. A. F. LAVALLETTE,
President.

WM. W. RUSSELL, Lt. Marines.
Judge Advocate.

Extract from a letter from the Commander-in-chief to Lieut. Comd'g, Neil M. Howison:

"I will add that from my previous knowledge of your character as an officer, I was quite sure that the inquiry would, as it has, result in entirely exonerating you from any blame whatever." Very respectfully, your most obedient,

(Signed.) JAMES BIDDLE.

To show that the Hudson's Bay Company considered the north side of the Columbia as British territory, and that they were acting agents for that Government, the following letter was written *after* the *Shark* had left Fort Vancouver, and three days before she was wrecked. It most undeniably makes false accusations against the officers of the unfortunate schooner, although Lieutenant Howison is given a left-handed compliment:

FORT VANCOUVER, September 7, 1846.

J. A. Duntze, Captain of H. M. S. Fisguard—

SIR: Since we had the pleasure of addressing you on the 11th ult., this settlement has not been disturbed. A great many of the Americans have been down from the Willamette and made excursions into the country around this place, with a view to discovering eligible situations for settlements, but have committed no overt act of trespass on the rights of the prior owners of the land. The Americans had never shown any predilection for settling on the north side of the Columbia river until the United States schooner *Shark* arrived at this port, and the excitement among them having greatly abated since her departure from here, we cannot help thinking that the people were directly or indirectly encouraged by the officers of that vessel to encroach upon our settlements. This was, to speak of it in the mildest terms, a most impudent act on their part, which cannot do any good, or add one iota to the rights of the United States; but on the contrary must tend to much evil, by dragging the ignorant and over-excitable population of the country into mischievous courses. We beg to add, in justice to Captain Howison, the commander of the *Shark*, that he evinced much concern on observing the lengths to which his countrymen were disposed to carry their encroachments, and made some exertions to put a stop to their proceedings. The prevailing opinion among Americans now appears to be, that Great Britain will give up the Columbia and accept the 49th parallel of latitude as a boundary, and moreover, they firmly believe that the British subjects in this country will not be allowed to hold lands they now occupy when the Government of the United States comes into possession, consequently each and all are striving to establish pre-emption rights on our settlements, in hopes of coming into possession the moment we are, according to their views, obliged to surrender them. * * * * * * * *

We remain with respect your obedient servant.

Signed: PETER SKEEN OGDEN.
JAMES DOUGLAS.[1]

Lieutenant Howison in his report (p. 20-1), speaking of the Puget Sound Agricultural Company, says:

The Puget Sound Agricultural Company is merely a nominal affair, being only a new name with new privileges, under which the capital of persons belonging to the Hudson's Bay Company is turned to profit. It is difficult to get exactly at the true relationship between it and the other, as the parties who manage them are the same, and they have endeavored to make them appear as separate interests. When, therefore, a new farm is taken possession of, stocked and put under cultivation, or a fine mill is erected and put into profitable operation, these are acts and privileges of the Agricultural society; but when the products of these establish-

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[1] See note at end of this year.

> ments are ready for market, the company with trading privileges take them in hand. As before stated, persons wishing to hold land under the Provisional Government, having selected the same, were required to mark out its limits, and have it recorded by a person selected to keep a book of all such entries. Land thus marked out were called "claims," and in compliance with this requirement, the Hudson's Bay Company had entered all their landed property in the names of their officers and clerks; they have omitted no means or forms necessary to secure them in their possessions. Fort Vancouver is surrounded by eighteen English "claims," viz.: nine miles on the river and two back; and besides the dwelling houses, storehouses and shops in the fort, they have a flour mill a few miles up the river, and above that again, a saw mill. The Vancouver grounds are principally appropriated to grazing cattle, horses, sheep and hogs. On the Cowlitz the company has a large wheat-growing farm, and I believe these are the only land claims they have below the mountains. They have, besides, a post on the Umpqua. Around their posts at Forts Hall and Boise, and on the northern branches of the river, they have hitherto enclosed no more ground than was necessary for garden purposes; but finding themselves confirmed by treaty in their hold upon property "legally acquired," God knows what may be the extent of their claims when a definite line comes to be drawn. The company have three barques, employed freighting hence to England and back, via the Sandwich Islands, besides a schooner and a small steamer in the trade of the northwest coast. They supply the Russian establishment at Sitka annually with 15,000 bushels of wheat, and sell them besides, I am told, some furs. The trade in this latter article has become of late years much less profitable than formerly, and *it is said* to have so far dwindled in amount as to be scarcely worth pursuing; but as no statistical reports of profits, or extent of trade, are ever published by the company, it is not possible to say with accuracy what they are doing. In April, 1846, a report reached Oahu that the company's barque *Cowlitz* had after leaving the Sandwich Islands for England, been run away with by the crew, and Mr. Pelly, the company's agent, immediately issued advertisements, making it known, and calling on commanders of ships of war to intercept her. He told me on that occasion that the barque's cargo of furs and specie (which was the usual annual remittance by the company) amounted to nearly £200,000 sterling. The rumor about her turned out to have originated in a mistaken apprehension.

The above shows the object of the English Government in not settling the boundary question, and in carrying out the wishes of the Hudson's Bay Company, for joint occupancy from 1818 to 1846, being twenty-eight years; knowing full well that they could, as they did, drive out all opposition in the fur trade, and thus hold possession of the country until they had stripped the same of all fur-bearing animals. This they did at the rate of at least $1,000,000 annually, amounting at least to $28,000,000. Our Government could have well afforded to have given a bonus of $10,000,000 and settled the question in 1818. Then to cap the climax, our Government was again swindled in the treaty of 1846, by agreeing to pay an *unknown bill* to that greatest of frauds and swindles, the Puget Sound Agricultural Company, to the tune of $450,000 "on account of the possessory rights and claims of the Hudson's Bay Company; and on account of the possessory rights of the Puget Sound Agricultural Company, the sum of $200,000;" total $650,000. A nice commentary on American sagacity, statesmanship and diplomacy.

The first proposition ever made in Congress for the occupation and settlement of Oregon was made in 1820–21, by Dr. John Floyd, a representative from Virginia, who became acquainted in Washington with Ramsey Crooks and Russell Farnham, who had both been out to the Pacific coast, and boarded at the same hotel with Mr. Floyd and Senator Benton. Mr. Floyd determined to bring forward the question of the occupation of that, to him, interesting country; and moved that a select committee of three be appointed to take the subject into consideration. He was appointed chairman, with Thomas Metcalf of Kentucky, and T. V. Swearingen of West Virginia as the remaining two of the committee. It was generally supposed that nothing would be done, but the committee introduced a bill to authorize the occupation of the Columbia river, and to regulate trade and intercourse with the Indian tribes thereon, and at the same time submitted an interesting and elaborate statistical report in regard to the fur trade, in which the resources of the country, etc., were set forth with clearness. The bill was read twice and referred to the committee of the whole, and nothing more was done that session in regard to the matter, but a subject had been broached that was destined to play a very important part in political affairs at different periods until finally settled twenty-five years afterwards. At the next session Dr Floyd stated: "The danger of a contest with Great Britain, to whom we had admitted a joint possession, and who had already taken possession, was strongly suggested, if we delayed longer our own occupation; and a vigorous effort of policy, and perhaps of arms, might be necessary to break her hold;" and he used the following almost prophetic language: "Mere adventurers may enter upon it, as Æneas entered upon the Tiber, and as our forefathers came upon the Potomac, the Delaware and the Hudson, and renew the phenomenon of individuals laying the foundation of a future empire."

As soon as Missouri was admitted, Mr. Benton, one of her first senators, came to the relief of Dr. Floyd, and in some remarks said:

> I, for one, had as lief see American ministers going to the Emperors of China and Japan, to the King of Persia, and even to the Grand Turk, as to see them dancing attendance upon these European legitimates who hold everything American in contempt and detestation.

Mr. Jefferson, whose far-reaching, philosophical mind assured him that as the Rocky mountains were the head of the Missouri river, the other side of them must necessarily produce a stream equally as large. To determine whether that stream was not the Columbia which Captain Gray had discovered was one of his greatest desires. Actuated by this motive, soon after he had attained the position of President, he urged congress to organize the Lewis and Clarke expedition, which so successfully solved the problem, and proved that the country was a necessity to our Government for the purpose of developing our commerce with the Asiatic nations, furnishing harbors for our whalers, merchantmen and men-of-war. To that great statesman is due, in a large measure the ownership of an extensive country that within a century of his time will be the home of millions of people, living under the Government he helped to found. Strange as it may seem the occupation of Oregon was not again reverted to until 1828, a period of seven years.

By the terms of a treaty signed at London, 1818, a joint occupancy was agreed to by Messrs. Gallatin and Rush, the American negotiators. "That any country claimed by either party on the northwest coast of America, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years, to the subjects, citizens and vessels of the two powers, without prejudice to any claim which either party might have to any part of the country."[1] By the terms of the above, it will be noticed that our negotiations virtually admit that Great Britain had some claim to the country south of the 49° 30' north latitude ; but upon what grounds it is impossible to conjecture, as the United States had purchased all the domain claimed by France and Spain. Captain Gray had discovered, entered and named the Columbia in 1792, and Captains Lewis and Clarke had discovered the head of the same stream and traced it to the ocean, there meeting the discoveries of Captain Gray, 1805. Still, in the face of all this, they allowed a joint occupancy, virtually shutting out the Americans, as the country was even at that time in the hands of Great Britain through the powerful Hudson's Bay Company. They also drove out the Astor colonists and other Americans who entered their own country to trade for furs and pelts. So determined was the Hudson's Bay Company to control the country, that up to 1828, a well authenticated report was made to our Government that not less than five hundred of our citizens had been killed, and not less than $500,000 worth of goods and furs had been robbed of them. In 1828, the ten years joint occupancy expired by limitation, but was unwisely renewed indefinitely, with the proviso that after one year's notice, it could be annulled and a new treaty entered into. To this treaty Senator Benton was strenuously opposed, and filed the following in the executive journal of the senate for future reference.[1]

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[1] President Monroe stated "that his instructions had not authorised this arrangement (which, in fact, the commissioners intimated in their correspondence), and only after much hesitation prevailed on himself to send it to the Senate." Thirty Years View. Vol. II, p. 469.

> 1. That it is not expedient for the United States and Great Britain to treat further in relation to their claims on the northwest coast of America, on the basis of a joint occupation by their respective citizens.
>
> 2. That it is expedient that the joint occupation article in the convention of 1818 be allowed to expire upon its own limitation.
>
> 3. That it is expedient for the Government of the United States to continue to treat with His Britannic Majesty in relation to said claim, on the basis of a separation of interests, and the establishment of a permanent boundary between their dominions westward of the Rocky mountains, in the shortest possible time.

These resolutions were not voted upon, but the treaty was ratified with only seven votes in the negative, so Oregon again was handed over to the Hudson's Bay Company indefinitely. The discussion in the Senate attracted the attention of the people, especially in the Western states, and the subject grew in interest until the state legislatures of Indiana, Illinois, Michigan and Missouri passed resolutions from time to time, instructing their senators and representatives to urge the General Government to take action for an immediate change in the treaty, and give to our possessions in Oregon both civil and military authority. The reports of traders and scientific men who had visited that country were well calculated to keep up the excitement until 1836, when the Reverend Lee and other missionaries went to Oregon, and reported its desirableness as a country to make a home in.

In 1842, Lord Ashburton negotiated a treaty with the United States in which our Government was again badly outwitted in regard to the national boundary between the state of Maine and Canada. In regard to the Oregon question his lordship requested that the matter be set aside and the following is from the President's message on that subject:

> After sundry informal communications with the British minister upon the subject of the claims of the two countries to territory west of the Rocky mountains, so little probability was found to exist of coming to an agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British minister, as a part of his duties under his special mission.

When this treaty was published, it created great excitement, and

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[1] Thirty Year's View, Vol. I, p. 111.

Mr. Tyler was reminded that Mr. Monroe's administration had asserted that all foreigners were excluded from settling or colonizing Oregon, while it was then well known that permanent improvements were being made by British subjects, who were developing commercial intercourse with the Sandwich Islands and other foreign governments. Another one of Mr. Tyler's blunders was the recommendation to discourage emigration to Oregon, by withholding land from the settlers until the two governments had made a treaty. The western people had commenced to cross the plains since 1838, and the number grew yearly until 1842, when there were so many leaving for the Pacific that it attracted universal attention, and the presidential campaign cry of "54-40 or fight," was being carried out spontaneously without regard to President Tyler's wishes or non-encouragement.

Early in the session of Congress, 1842, Senator Linn, of Missouri, introduced a bill to afford protection while traversing the plains and after arrival in Oregon, also giving all a liberal grant of land; also appointing civil officers to maintain order under the laws of the territory of Iowa, which were to be extended to the Pacific coast. As England had authorized justices of the peace to officiate under an act of Parliament, it was claimed that Congress could do the same, especially as all the country south of 49° was owned by the United States. This bill met with bitter opposition, especially from Senators Calhoun and McDuffie, both of South Carolina, among other things was said :

> For whose benefit are we bound to pass this bill? Who are to go there along the line of military posts and take possession of the only part of the territory fit to occupy—that part lying upon the sea coast, a strip of less than one hundred miles wide; for, as I have already stated, the rest of the territory consists of mountains almost inaccessible, and low lands which are covered with stone and volcanic remains, where rain never falls except during the spring; and even on the coast no rain falls from April to October, and for the remainder of the year there is nothing but rain. Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us from the intrusion of others. This is the character of the country. Who are we going to send there? Do you think your honest farmers in Pennsylvania, New York, or even in Ohio and Missouri, will abandon their farms to go upon any such enterprise as this? God forbid! If any man is to go to that country under the temptation of this bill.

He further said that if he had a son who was a fit subject for Botany Bay, he would urge him to go. He also said that "Great Britain would resist our encroachment with war." Still this country was worth nothing, this is strange, but as consistent an argument as would be expected from those who knew nothing about the matter, and were determined, and did do all in their power to give the country over to British power. To the southern senators Mr. Linn replied, that it was strange that England insisted on claiming and holding the country if it was not worth anything, and stated that the country was valuable, and "she knew well its soil, climate, and physical resources, and perfectly comprehends its commercial and geographical importance. And knowing all this, she is ready to sink all sense of justice, stifle all respect for our clear title, so as to secure the strong, even where most wrongful title of possession."

One of the reasons urged by Mr. Calhoun, was that the great expense that must be incurred and the distance from civilization, and urged that time might be taken to find out more about the country. After several days debate, the bill passed, yeas, 24; nays, 22.

> "The bill went to the House, where it remained unacted upon during the session; but the effect intended by it was fully produced. The vote of the Senate was sufficient encouragement to the enterprising people of the West. Emigration increased. An American settlement grew up at the mouth of the Columbia. Conventional agreements among themselves answered the purpose of laws." Mr. Benton further says: "The great event of carrying the Anglo-Saxon race to the shores of the Pacific ocean, and planting the race firmly on that sea, took place at this time, beginning in 1842, and largely increasing in 1843. It was not an act of the Government, leading the people and protecting them; but like all other great emigrations and settlements of that race on our continent, it was the act of the people, going forward without Government aid or countenance, establishing their possession, and compelling the Government to follow with its shield and spread it over them."[1]

The Democratic National Convention in 1844, incorporated in its platform the cry of "54-40, or fight!" for political effect, and nineteen-twentieths of the people really thought that that party would insist on the just claims of the United States line of possession on the Pacific northwest coast; and when President Polk after his election on that issue, finally accepted the line of 49° north latitude, a great howl was raised all over the land, even some of the leading Senators joining in the chorus. Senator Benton who probably was the best posted man in the United States on that subject, gives the following history of our claim and thows a clearer light than anyone on the subject. The following is quoted from his great speech on the organization of the Territorial Government of Oregon, as written in his Thirty Years View:

> "It has been assumed for two years, and the assumption has been made the cause of all the Oregon excitement of the country, that we have a dividing line with Russia, made so by the convention of 1824, along the parallel of 54° 40′, from the sea to the Rocky mountains up to which our title is good. This is a great mis-

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[1] Benton's Thirty Years View, Vol. 2, p. 468.

take. No such line was ever established; and so far as proposed and discussed, it was proposed and discussed as a northern British, and not as a northern American line. The public treaties will prove there is no such line; documents will prove that, so far as 54° 40′, from the sea to the mountains, was ever proposed as a northern boundary for any Power, it was proposed by us for the British, and not for ourselves. To make myself intelligible in what I shall say on this point, it is necessary to go back to the epoch of the Russian convention of 1824, and to call to recollection the circumstances out of which that convention grew. The circumstances were these: In the year 1821, the Emperor Alexander, acting upon a leading idea of Russian policy (in relation to the north Pacific ocean) from the time of Peter the Great, undertook to treat that ocean as a closed sea, and to exercise municipal authority over a great extent of its shores and waters. In September of that year, the Emperor issued a decree, bottomed upon this pretension, assuming exclusive sovereignty and jurisdiction over both shores of the north Pacific ocean, and over the high seas, to the extent of one hundred Italian miles, from Behring's Straits down to latitude fifty-one, on the American coast, and to forty-five on the Asiatic; and denouncing the penalties of confiscation upon all ships of whatsoever nation, that should approach the coasts within the interdicted distances. This was a very startling decree. Coming from a feeble nation, it would have been smiled at; coming from Russia, it gave uneasiness to all nations.

Great Britain and the United States, as having the largest commerce in the north Pacific ocean, and as having large territorial claims on the northwest coast of America, were the first to take alarm, and to send remonstrances to St. Petersburg against the formidable ukase. They found themselves suddenly thrown together, and standing side by side in this new and portentous contest with Russia. They remonstrated in concert, and here the wise and pacific conduct of the Emperor Alexander displayed itself in the most prompt and honorable manner. He immediately suspended the ukase (which, in fact, had remained without execution) and invited the United States and Great Britain to unite with Russia in a convention to settle amicably, and in a spirit of mutual convenience, all the questions between them, and especially their respective territorial claims on the northwest coast of America. This magnanimous proposition was immediately met by the Powers in a corresponding spirit; and, the ukase being voluntarily relinquished by the Emperor, a convention was quickly signed by Russia with each Power, settling, so far as Russia was concerned, with each, all their territorial claims in northwest America.

The Emperor Alexander proposed that it should be a joint convention of the three Powers—a tripartite convention—settling the claims of each and all at the same time; and if this wise suggestion had been followed, all of the subsequent and all of the present difficulties between the United States and Great Britain, with respect to this territory, would have been entirely avoided. But it was not to follow; an act of our own prevented it. After Great Britain had consented, the non-colonization principle, the principle of non-colonization in America by any European Power—was promulgated by our Government, and for that reason Great Britain chose to treat separately with each Power, and so it was done.

Great Britain and the United States treated separately with Russia, and with each other; and each came to agreements with Russia, but to none among themselves. The agreements with Russia were contained in two conventions signed nearly at the same time, and nearly in the same words, limiting the territorial claim of Russia to 54° 40′, confining her to coasts and islands, and leaving the continent out to the Rocky mountains, to be divided betwen the United States and Great Britain, by an agreement between themselves.

The Emperor finished up his own business and quit the concern. In fact, it would seem, from the promptitude, moderation, and firmness with which he adjusted all differences both with the United States and Great Britain, that his only object in issuing the alarming ukase of 1821, was to bring those Powers to a settlement; acting upon the homely, but wise maxim, "that short settlements make long friends"

Well, there is no such line as 54° 40′; and that would seem to be enough to quiet the excitement which has been got up about it. I set out with saying that although this fifty-four-forty was never established as a northern boundary for the United States, yet it was proposed to establish as a northern boundary, not for us, but for Great Britain—and that proposal was made to Great Britain by ourselves. This must sound like a strange statement in the ears of the fifty-four-forties; but it is no more strange than true; and after stating these facts, I mean to prove them. The plan of the United States at that time was this: That the three Powers (Great Britain, Russia and the United States) having claims on the northwest coast of America, should divide the country between them, each taking a third. In this plan of partition, each was to receive a share of the continent from the sea to the Rocky mountains, Russia taking the northern slice, the United States the southern and Great Britain the center, with fifty-four-forty for her northern boundary, and forty-nine for her southern, * * *

Russia had no settlements on that part of the continent, and rejected the continental share which we offered her. She limited herself to the coasts and islands where she had settlements, and left Great Britain and the United States to share the continent between themselves. But before this was known, we had proposed to her fifty-four-forty for the Russian southern boundary, and to Great Britain the same for her northern boundary. We proposed this to Great Britain. She refused it, saying she would establish her northern boundary with Russia, who was on her north, and not with the United States who was on her south. This seemed reasonable; and the United States then, and not until then, relinquished the business of pressing fifty-four-forty upon Great Britain for her northern boundary. The proof of this is in the executive documents. * * * British statesmen, do not grow so fast as to leave all knowledge behind them. They remember Mr. Monroe and his cabinet—the President and cabinet who acquired the Spanish title under which we now propose to squeeze them out of the continent, actually offered them six degrees of latitude in that very place; and they will certainly want reasons for so much compression now, when we offered them so much expansion then. These reasons cannot be given. There is no boundary at 54° 40′; and so far as we proposed to make it one, it was for the British and not for ourselves; and so ends this redoubtable line, up to which all true patriots were to march.

I come to the line of Utrecht, the existence of which is denied upon this floor by Senators whose fate it seems to be to assert the existence of a line that is not, and to deny the existence of one that is. A clerk in the Department of State has compiled a volume of voyages and of treaties, and, undertaking to set the world right, has denied that commissioners ever met under the treaty of Utrecht, and fixed boundaries between the British northern and French Canadian possessions in North America. That denial has been produced and accredited on this floor by a Senator in his place (Mr. Cass); and this production of a blundering book, with this Senatorial endorsement of its blunder; lays me under the necessity of correcting a third error which the "fifty-four-forties" hug to their bosom, and the correction of which becomes necessary for the vindication of history, the establishment of a political right, and the protection of the Senate from the suspicion of ignorance. I affirm that the line was established; that the commissioners met and did their work; and what they did has been acquiesced in by all the Powers interested from the year 1713 down to the present time.

In the year 1805, being the second year after the acquisition of Louisiana, President Jefferson sent ministers to Madrid (Messrs. Monroe and Charles Pinckney), to adjust the southern and southwestern boundaries with her, and in doing so, the principles which had governed the settlement of the northern boundary of the same province became a proper illustration of their ideas. They quoted these principles and gave the line of Utrecht as the example; and this to Don Pedro Cevallos, one of the most accomplished statesmen of Europe. They say: "It is believed that this principle has been admitted and acted on invariably since the discovery of America, in respect to their possessions there, by all European powers. It is particularly illustrated by the stipulations of their most important treaties concerning those possessions and the practice under them, viz.: The treaty of Utrecht in 1713, and that of Paris in 1763. In conformity with the tenth article of the first-mentioned treaty, the boundary between Canada and Louisiana on the one side and the Hudson's Bay and Northwest Company on the other, was established by commissioners, by a line to commence at a cape or promontory on the ocean, in 58° 31′ north latitude, to run thence, southwesterly, to latitude 49° north from the equator, and along that line indefinitely westward. Since that time no attempt has been made to extend the limits of Louisiana or Canada to the *north* of it, by purchase, conquest or grant from the Indians." This is what the Messrs. Monroe and Pinckney said to Don Pedro Cevallos—a minister who must be supposed to be as well acquainted with the treaties which settled the boundaries of the late Spanish provinces of Louisiana as we are with the boundaries of the United States. The line of Utrecht, and in the very words which carry it from the Lake of the Woods to the Pacific ocean, and which confine the British to the north, and the French and Spanish to the south of that line, are quoted to Mr. Cevallos as a fact which he and all the world knew. He received it as such, and thus Spanish authority comes in aid of British, French and American, to vindicate our rights and the truth of history. Another contribution which I have is an extract from the journal of the British House of Commons, March 5, 1714, "directing a writ to be issued for electing a Burgess in the place of Fredrick Herne, Esq., who, since his election, hath accepted," as the journal says, "the office of one of His Majesty's commissioners for treating with commissioners on the part of France for settling the trade between Great Britain and France." The entry occurs at the same time with respect to James Murray, Esq., and Sir Joseph Martyn. The tenth article of the treaty of Utrecht applies to limits in North America, the eleventh and fifteenth to commerce. Here is proof that three were appointed.

One more piece of testimony and I have done. We all know that in one of the debates which took place in the British House of Commons on the Ashburton treaty, and after that treaty was ratified and past recall, mention was made of a certain map called the King's map, which had belonged to the late King (George III) and hung in his library during his lifetime, and afterwards in the Foreign office, from which said office said map silently disappeared about the time of the Ashburton treaty, and which was certainly not before our Senate at the time of the ratification of that treaty. Well, the member who mentioned it in Parliament said there was a strong red line upon it about the tenth of an inch wide, running all along where the Americans said the true boundary was, with these words written along it in four places in King George's hand writing: "This is Oswald's line," meaning, it is the line of the treaty of peace negotiated by Mr. Oswald on the British side, and therefore called *Oswald's line*.

Now, what I have to say, is this, that whenever this royal map shall emerge from its retreat and resume its place in the Foreign office, on it will be found another strong red line, about the tenth of an inch wide, in another place, with these words written on it: "Boundaries between the British and French possessions in America as *fixed by the treaty of Utrecht*." To complete this last and crowning piece of testimony, I have to add that the evidence is in the Department of State, as is nearly the whole of *pie-poudre* insurrection—"*this puddle-lane rebellion*"—against the truth and majesty of history, which, beginning with a clerk in the Department of State, spread to all the organs, big and little, then reached the Senate of the United States, held divided empire in this chamber for four months, and now dies the death of the ridiculous.[1] * * * Well let us proceed a little further with the documents of 1823, and see what the men of that day—President Monroe and his cabinet—the men who made the treaty with Spain, by which we became the masters of this large domain; let us proceed a little further, and see what they thought of the title up to fifty-four-forty. I read from the same document of 1823: Mr. Adams to Mr. Middleton, July 22, 1823—"The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific ocean, we consider as unquestionable, being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia river—first from the sea at its mouth, and then by land by Lewis and Clarke; and third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be of to any European nation, not only as it is, but the continuity of their possessions from the Atlantic to the Pacific oceans, but as it offers their inhabitants the means of establishing hereafter water communication from one to the other. From 42° to 49° is here laid down by Mr. Monroe and his cabinet as the extent of our unquestioned title, and on these boundaries they were ready to settle the question. * * * Six times Mr. Monroe and his cabinet renounced Frazer river and its valley, and left it to the British. They did so on the intelligent principle that the British had discovered it, and settled it, and were in actual possession of it when we got the Spanish claim, which claim Spain never made. Upon this principle New Caledonia was left to the Brithish in 1823. * * * Mr. Gallatin and Mr. Rush offered the same line as being a continuation of the line of Utrecht (describing it by that name in their dispatch of October 20, 1818), and so covering the valley of the Columbia river, to which they alleged our title to be indisputable. Mr. Jefferson had offered the same line in 1807. All these offers leave Frazer's river and its valley to the British, because they discovered and settled it, and all these offers hold on to the Columbia river and valley because we discovered and settled it, and all these offers let the principle of contiguity or continuity work equally on the British as on the American side of the line of Utrecht. For my part, I thought they were right then, and think so now. I was Senator then, as I am now. I thought with them that New Caledonia belonged to the British, and thinking so still, and acting upon the first half of the great maxim—ask nothing but what is right—I shall not ask them for it, much less fight them for it now.

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[1] Since the delivery of this speech a copy of a paragraph of a dispatch from Mr. Edward Everett, United states minister in London, dated March 31st, 1843, has been obtained, giving an account of this map, as shown to him by Lord Aberdeen, containing the two red lines upon it, one of our northeast boundary, called "Oswald's line," the other for the northwest, called the line of the "treaty of Utrecht."

ADVICE OF THE SENATE ASKED—TREATY MADE AND RATIFIED.

The pressure became so great upon President Polk and Congress after the election because of one of the planks in the Democratic platform, of "54-40 or fight," and the heavy immigration to Oregon, that it became absolutely necessary that notice should be given to Great Britain of the desire on the part of the United States to obtain an abrogation of the articles of the convention of 1818 and 1827.

A resolution for that purpose was introduced in the House, and after being debated for several days passed by a vote of 154 to 54, and was sent to the Senate where an amendment was offered by Senator Reverdy Johnson which went "to show that amicable settlement of the title by negotiation was the object in view, and intended to be promoted by a separation of interests between the parties." This passed by a vote of 40 to 14, and returned to the House where it passed as amended by an increased majority.

Mr. Benton says in his Thirty Years View, volume 2, page 674, "the President acted at once upon the discretion which was given him —caused the notice for the abrogation of the joint occupancy article to be immediately given to the British Government—and urged Congress to the adoption of the measures which were necessary for the protection of the American citizens who had gone to the territory. The news of the broken off negotiations was received with regret in Great Britain. Sir Robert Peel, with the frankness and integrity which constiute the patriotic statesman, openly expressed his regret in Parliament that the offer of 49°, when made by the American Government had not been accepted by the British Government, and it was evident that negotiations would be renewed. So they were, and in a way to induce a speedy conclusion of the question—being no less than a fair and open offer on the side of the British to accept the line we had offered."

Mr. Pakenham, the British Minister offered the line of 49° of north latitude, and it was not a case of delay. It must be accepted or rejected immediately; but it placed President Polk and his administration in a quandary, as he had been elected on the "54-40" issue, although he and his Secretary of State, James Buchanan, well knew that the 49 line was the only one that could possibly be obtained by our Government.

The President took advice of Senator Benton, who advised him to treat on the 49 line and he would obtain the co-operation of the Whig Senators, who, with the conservative Democratic members, would insure the requisite two-thirds majority. This was assured, and the

President then determined to throw all the responsibility on the Senate and sent the *project* of the treaty and asked their advice which he desired.

But the President, to show consistency to the Baltimore convention while throwing the responsibility on the Senate, further said: "My opinions and my action on the Oregon question was fully made known to Congress in my annual message of the second of December last; and the opinions therein expressed remain unchanged."

It will be seen that the Executive had thrown the whole responsibility on the Senate, and he well knew that over two-thirds (as the fact had been ascertained before) the Senate were in favor of settling the question on the 49th degree of north latitude.

There was a bitter struggle by the friends of his cabinet and the fifty-four-fortyites against the President, and all the dilatory tactics that possibly could be conceived were made, as the proceedings show, to defeat the application of advice so as to throw it back upon him, where the responsibility they claimed rightfully belonged, but the Senate accepted the responsibility by a vote of 38 to 12.

The following is the President's message and Senate proceedings:

IN SENATE OF THE UNITED STATES.

Executive proceedings, correspondence and documents, relating to Oregon, from which the injunction of secrecy has been removed.

WEDNESDAY, JUNE 10, 1846.

The following message was received from the President of the United States, by Mr. Walker, his secretary:

To the Senate of the United States:

I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the sixth instant, by the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to action which, in their judgment, it may be proper to take in reference to it.

In the early periods of the Government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign Powers; and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in latter times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace or war. On the present occasion the magnitude of the subject would induce me, under any circumstances, to desire the previous advice of the Senate; and that desire is increased by the recent debates and proceedings in Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the Executive. In conferring on the Executive the authority to give the notice for the abrogation of the convention of 1827, the Senate acted publicly so large a part, that a decision on the proposal now made by the British Government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the Senate to the proposal of the British Government for the settlement of the Oregon question, and ask their advice on the subject.

My opinion and my action on the Oregon question was fully made known to Congress in my annual message of the second of December last; and the opinions therein expressed remain unchanged.

Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer.

I also communicate herewith an extract from a dispatch of the Secretary of State to the Minister of the United States at London, under date of the 28th of April last, directing him, in accordance with the joint resolution of Congress "concerning the Oregon Territory," to deliver the notice to the British Government for the abrogation of the convention of the 6th of August, 1827; and also a copy of the notice transmitted to him for that purpose, together with extracts from a dispatch of that Minister to the Secretary of State, bearing date on the 18th day of May last.

JAMES K. POLK.

WASHINGTON, June 10, 1846.

Message was read. On motion by Mr. Allen, that the message and documents communicated therewith be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

A division of the question was called for by Mr. McDuffie and on the question, "that the message and documents communicated therewith be referred to the Committee on Foreign Relations." It was determined in the negative, yeas, 9; nays, 36.

THURSDAY, JUNE 11, 1846.—On motion by Mr. Mangum, the Senate proceeded to consider the message of the President of the United States of the 10th instant, communicating a proposal for the adjustment of the Oregon question; and after debate, Mr. Haywood submitted the following resolution for consideration:

Resolved (two-thirds of the Senators concurring), That the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate dated June 10, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony mountains.

The Senate by unanimous consent proceeded to consider the said resolution.

On motion by Mr. Niles, that it be amended by adding thereto the following: With the following proviso at the end of the second article of the proposed convention, to-wit: *Provided*, That the rights of navigation secured to British subjects by this article be limited to the year A. D. 1859, when they shall cease and determine

FRIDAY, JUNE 12, 1846.—The Senate proceeded to consider the resolution submitted by Mr. Haywood on the 11th instant, together with the amendment proposed thereto by Mr. Niles; and after debate, Mr. Niles, by unanimous consent, modified his proposed amendment to read as follows:

With the following proviso at the end of the second article of the proposed convention, to-wit: *Provided*, That the right of navigating the Columbia river, secured to the Hudson's Bay Company, and to all British subjects trading with the same, be limited to the year A. D. 1863, when it shall cease and determine.

On the question to agree thereto, it was determined in the negative—yeas, 10; nays, 31.

On the question to agree to the resolution, it was determined in the affirmative—yeas, 38; nays, 31. So it was

Resolved (two-thirds of the Senators present concurring), That the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated June 10, 1840, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony mountains.

Ordered, That the secretary lay the said resolution before the President of the United States.

TUESDAY, JUNE 16, 1846.—The following message was received from the President of the United States by Mr. Walker, his secretary:

To the Senate of the United States: In accordance with the resolution of the Senate of the 12th instant, that "the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated June 10, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony mountains," a convention was concluded and signed on the 15th instant, by the Secretary of State on the part of the United States, and the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty on the part of Great Britain.

This convention I now lay before the Senate for their consideration, with a view to its ratification. JAMES K. POLK.

WASHINGTON, June 16, 1846.

Mr. Hannegan submitted the following resolution for consideration:

Resolved, That the President be requested to communicate to the Senate a copy of all the correspondence which has taken place between this Government and that of Great Britain relative to the Oregon treaty, together with the dispatches and instructions forwarded to our minister, Mr. McLane; and a full and complete copy of his dispatches and communications to this Government on the same subject.

WEDNESDAY, JUNE 17, 1846.—The Senate proceeded to consider the resolution submitted by Mr. Hannegan on the 16th instant, which was modified and agreed to, as follows:

Resolved, That the President be requested to communicate to the Senate a copy of all the correspondence which has taken place between this Government and that of Great Britain relative to the Oregon treaty, together with the dispatches and instructions to our minister, Mr. McLane; and a full and complete copy of his dispatches and communications to this Government on the same subject, not heretofore communicated to the Senate.

Mr. Atchison submitted the following resolution for consideration:

Resolved, That the President be requested to furnish the Senate with all the information in his possession in relation to the kind and extent of claims to farms and lands of the Puget's Sound Agricultural Company, in the territory of Oregon.

THURSDAY, JUNE 18, 1846.—The Senate proceeded to consider the resolution submitted by Mr. Atchison the 17th instant, which was modified by adding thereto the following words:

"And that he be requested to communicate to the Senate a copy of the act incorporating the Puget's Sound Agricultural Company, or of the original instrument constituting that company."

On motion by Mr. Allen, to amend the said resolution, so modified, by adding thereto the following:

"And that the President be requested to lay before the Senate any information in his possession relative to the kind, character, number, and extent of the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property in the Oregon territory south of the forty-ninth parallel of north latitude; also, the number of such British subjects, including the members, agents and servants of said company; also, the location, number and extent of the forts, stations and settlements of said company south of said parallel; also, the means of attack and defense in the possession of said company within said limits.

After debate, it was determined in the affirmative—yeas, 36; nays, 15.

The resolution, as amended, was then agreed to as follows:

Resolved, That the President be requested to furnish the Senate with all the information in his possession in relation to the kind and extent of claims to farms and lands of the Puget's Sound Agricultural Company in the territory of Oregon; and that he be requested to communicate to the Senate a copy of the act incorporating the Puget's Sound Agricultural Company, or of the original instrument constituting that company; and that the President be requested to lay before the Senate any information in his possession relative to the kind, character number and extent of the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property in the Oregon territory south of the forty-ninth parallel of north latitude; also, the number of such British subjects, including the members, agents and servants of said company; also, the location, number and extent of the forts, stations and settlements of said company south of said parallel; also, the means of attack and defense in the possession of said company within said limits.

Ordered, That the Secretary lay the said resolution before the President of the United States.

The Senate proceeded, as in committee of the whole, to consider the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846; and no amendment being made thereto, it was reported to the Senate.

Mr. McDuffie submitted the following resolution for consideration:

Resolved (two-thirds of the Senators present concurring). That the Senate advise and consent to the ratification of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On motion by Mr. Hannegan, to amend the said resolution by striking out all after the word "*Resolved*," and inserting the following in lieu thereof:

"That the President of the United States be, and he is hereby, advised by the Senate to offer to the Government of Great Britain as a just, fair and equitable compromise of the conflicting claims of the two Governments connected with the country lying along between the Rocky mountains and the Pacific ocean, extending from the parallel of forty two degrees to fifty-four degrees and forty minutes north latitude, and including the islands embraced within said parallels of latitude adjacent to the coast, the following, as the fundamental provisions for a treaty between the two governments:

"*First*—The Government of Great Britain shall acknowledge the right of soil and the sovereignty to exist and be with the United States to the whole territory above described, and shall abandon to the United States all claim which shall in any manner conflict with the paramount jurisdiction of the United States therein.

Second—The United States shall guarantee to the Hudson's Bay Company for twenty years from the date of such treaty the most perfect security in all their possessions, and the right to pursue their business of hunting and trapping, with all the immunities which pertain thereto, and to trade during that period with the natives, and the use during that time of the ports, rivers and harbors within said territory, without charge or hindrance.

"*Third*—Within twelve months from the date of said treaty, commissioners shall be selected, by and on behalf of the respective Governments, whose duty it shall be to assess at just and liberal prices the value of the property of the Hudson's Bay Company within said territory, which amount, when ascertained, shall be paid by the United States to said company in such manner and at such time as shall be agreed upon between the United States and Great Britain."

It was determined in the negative—yeas, 5; nays, 42.

On the question to agree to the resolution, it was determined in the affirmative—yeas, 41; nays, 14. So it was

Resolved, (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty between the United States of America and Her majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846.

Ordered, That the secretary lay the said resolution before the President of the United States.

THURSDAY, JULY 16, 1846.—Mr. Hannegan submitted the following resolution for consideration:

Resolved, That the President be requested to inform the Senate if it is his intention to comply with two resolutions of the Senate, passed on the 17th ultimo, in relation to the correspondence attending the Oregon treaty, and the origin of the Puget's Sound Agricultural Company, with the nature and extent of the company's claims and possessions in Oregon.

TUESDAY, JULY 21, 1846.—The following message was received from the President of the United States by Mr. Walker, his secretary.

To the Senate of the United States: I herewith transmit, in compliance with the request of the Senate in their resolution of the 17th of June, 1846, a report of the Secretary of State, together with a copy of all "the dispatches and instructions relative to the Oregon treaty, forwarded to our minister, Mr. McLane, not heretofore communicated to the Senate," including a statement of the propositions for the adjustment of the Oregon question previously made and rejected by the respective Governments. This statement was furnished to Mr. McLane before his departure from the country, and is dated on the 12th of July, 1845, the day on which the note was addressed by the Secretary of State to Mr. Pakenham, offering to settle the controversy by the forty-ninth parallel of latitude, which was rejected by that minister on the 29th of July following.

The Senate will perceive that extracts from but two of Mr. McLane's "dispatches and communications to this Government" are transmitted; and these only because they were necessary to explain the answers given to them by the Secretary of State.

These dispatches are both numerous and voluminous, and, from their confidential character, their publication, it is believed, would be highly prejudicial to the public interests.

Public considerations alone have induced me to withhold the dispatches of Mr. McLane addressed to the Secretary of State. I concur with the Secretary of State in the views presented in his report, herewith transmitted, against the publication of these dispatches.

Mr. McLane has performed his whole duty to his country, and I am not only willing, but anxious, that every Senator who may desire it shall have an opportunity of perusing these dispatches at the Department of State. The Secretary of State has been instructed to afford every facility for this purpose.

WASHINGTON, July 21, 1846. JAMES K. POLK.

To the Senate of the United States: I communicate herewith a report from the Secretary of State, in answer to the resolution of the Senate of the 18th of June, 1846, calling for certain information in relation to the Oregon territory.

WASHINGTON, July 21, 1846. JAMES K. POLK.

PROTOCOL.

A conference was held at the Department of State, on the 6th of June, 1846, between the honorable James Buchanan, Secretary of State, the American Plenipotentiary, and the right honorable Richard Pakenham, the British Plenipotentiary, when the negotiation respecting the Oregon Territory was resumed. The British Plenipotentiary made a verbal explanation of the motives which had induced Her Majesty's Government to instruct him to make another proposition to the Government of the United States for the solution of these long existing difficulties. The Secretary of State expressed his satisfaction with the friendly motives which had animated the British Government in this endeavor.

Whereupon the British Plenipotentiary submitted to the Secretary of State the draught of a convention (marked A) setting forth the terms which he had been instructed to propose to the Government of the United States for the settlement of the Oregon question.

JAMES BUCHANAN.
R. PAKENHAM.

(A.)—DRAUGHT OF CONVENTION.

Preamble.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and Government of the territory of the northwest coast of America lying westward of the Rocky or Stony mountains should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement; that is to say, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, ——— and President of the United States of America, ———, who, after having communicated to each other their respective full powers, found in good and due form have agreed upon and concluded the following articles:

ARTICLE I.

From the point on the 49th parallel of north latitude where the boundary laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the said 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's island; and thence southerly through the middle of the said channel and of Fuca's straits to the Pacific ocean: Provided, however, that the navigation of the whole of the said channel and straits south of the 49th parallel of north latitude remain free and open to both parties.

ARTICLE II.

From the point at which the 49th parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

ARTICLE III.

In the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in the occupation of land or other property, lawfully acquired within the said territory, shall be respected.

ARTICLE IV.

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company. In case, however, the situation of these farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government at a proper valuation, to be agreed upon between the parties.

ARTICLE V.

The present treaty shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged at London at the expiration of —— months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms. Done at Washington, the —— day of ——, in the year of our Lord 1846.

Mr. Buchanan to Mr. McLane.—Extracts.

DEPARTMENT OF STATE,
Washington, April 28, 1846.

I herewith transmit a notice for the abrogation of the convention of the 6th August, 1827, between Great Britain and the United States, in accordance with the terms prescribed in its second article. This paper you will deliver to Her Britannic Majesty in person, or to Her Majesty's Principal Secretary of State for Foreign Affairs, after you shall have ascertained which of these modes of presenting it will be most in accordance with Her Majesty's wishes. A duplicate of the same is transmitted, to be placed on file in the archives of your legation.

As the abrogation of this convention is an act of an important and solemn character, the delivery of the notice ought to be attested with all due formality. The mode is left entirely to your own discretion; but I would suggest that it might be made the subject of a protocol, in triplicate; one copy of which should remain with the British Government, another with the legation in London, and the third be transmitted to this department.

In the remarks which you may have occasion to make on the delivery of the notice, the language to the preamble to the "joint resolution concerning the Oregon Territory" must necessarily be your guide. * * * Congress have spoken their will upon the subject, in their joint resolution, and to this it is his (the President's) and your duty to conform.

To her Majesty VICTORIA, *Queen of the United Kingdom of Great Britain and Ireland, &c., &c., &c.*

Whereas the Congress of the United States have adopted a "joint resolution concerning the Oregon Territory," of which the following is a copy:

"JOINT RESOLUTION concerning the Oregon Territory."

"Whereas by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord eighteen hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be 'free and open' to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of the said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party.

"And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled: and that said Territory may, no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries:

"With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said Territories:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same.

"Approved April 27, 1846."

Now, therefore, after a careful consideration of the premises, I, James K. Polk, President of the United States, in the exercise of the authority and discretion vested in me by the said "joint resolution concerning the Oregon territory," and in pursuance of the second article of the convention of the 6th of August, 1827, therein mentioned, do hereby, in behalf of the United States, give notice to Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, that at the end of twelve months from and after the delivery of these presents, by the Envoy Extraordinary and Minister Plenipotentiary of the United States at London, to Her Britannic Majesty, or to Her Majesty's principal secretary of state for foreign affairs, the said convention shall be entirely annulled and abrogated.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at Washington, this twenty-eighth day of April, A. D. 1846, and of the independence of the said States the seventieth.

[L. S.] JAMES K. POLK.

By the President:

JAMES BUCHANAN, *Secretary of State.*

Mr. McLane to Mr. Buchanan.—Extracts.

LONDON, May 18, 1846.

I received late in the day, on the fifteenth instant (Friday), your dispatch number twenty-seven, dated the twenty-eighth of April, eighteen hundred and forty-six, transmitting a notice for the abrogation of the convention of the sixth of August, eighteen hundred and twenty-seven, between the United States and Great Britain, in accordance with the terms prescribed in the second article, instructing me to deliver the notice to Her Britannic Majesty in person, or to Her Majesty's principal secretary of state for foreign affairs, as will be most agreeable to Her

Majesty's wishes, and at the same time leaving the mode of the delivery of the notice entirely at my own discretion.

I will of course execute your instructions at the earliest practicable moment. As, however, I could only ascertain Her Majesty's wishes, which I am directed to consult, through the principal secretary of state for foreign affairs, sufficient time has not yet been afforded for that purpose; and in the midst of the preparation of my dispatches for the steamer of to-morrow, and of my engagements at the foreign office connected with one of the topics of this letter, it has not been in my power to give to a subject of so much importance that deliberation which I am sensible a proper exercise of the discretion confided to me requires. To morrow, however, I propose to seek an interview with Lord Aberdeen for the purpose, and without loss of time finally to execute your instructions in the mode that may be deemed most effectual. I may add, that although it is altogether probable that the presentation of the notice to Her Majesty in person will not be admissible, and that where a treaty may be annulled upon notice by one party, the mode of delivering the notice need not be dependent upon the assent of the other; yet, in the present instance, I do not apprehend there will be any difficulty in giving and receiving the notice in a mode mutually satisfactory, and in conformity with usage in such cases. * * * * * * * * * * * * * * *

I have now to acquaint you that, after the receipt of your dispatches on the fifteenth instant, by the *Caledonia*, I had a lengthened conference with Lord Aberdeen, on which occasion the resumption of the negotiation for an amicable settlement of the Oregon question, and the nature of the proposition he contemplated submitting for that purpose, formed the subject of a full and free conversation. I have now to state that instructions will be transmitted to Mr. Pakenham by the steamer of to-morrow, to submit a new and further proposition on the part of this Government for a partition of the territory in dispute.

The proposition most probably will offer, substantially,

First—To divide the territory by the extension of the line on the parallel of forty-nine to the sea; that is to say, to the arm of the sea called Burch's bay; thence by the canal De Arro and straits of Fuca to the ocean; and confirming to the United States what indeed they would possess without any special confirmation—the right freely to use and navigate the strait throughout its extent.

Second—To secure to the British subjects occupying lands, forts and stations anywhere in the region north of the Columbia, and south of the forty-ninth parallel, a perpetual title to all their lands and stations of which they may be in actual occupation; liable, however, in all respects, as I understand, to the jurisdiction and sovereignty of the United States as citizens of the United States. Similar privileges will be offered to be extended to citizens of the United States who may have settlements north of the forty-ninth parallel; though I presume it is pretty well understood that there are no settlements upon which this nominal mutuality could operate. I have no means of accurately ascertaining the extent of the present British settlements between the Columbia and the forty-ninth parallel. They are not believed by Lord Aberdeen to be numerous, however; consisting, as he supposes, of a few private farms, and two or three forts and stations. I have already in a previous dispatch taken the liberty to remind you that, by their charter, the Hudson's Bay Company are prohibited from acquiring title to lands, and that the occupations to be affected by this reservation have been made either by the squatters of that company, or by the Puget's Sound Land Company, for the purpose of evading the prohibition of the Hudson's Bay charter. They are in point of fact, also, according to Captain Wilke's account, cultivated and used chiefly by the persons employed on the service of the former company, and as auxiliary to their general business of hunting and trapping, rather than with a view, as it has been generally supposed, of colonizing, or of permanent settlement.

Lastly—The proposition will demand for the Hudson's Bay Company, the right of freely navigating the Columbia river. It will, however, as I understand, disclaim the idea of sovereignty, or of the right of exercising any jurisdiction or police, whatever, on the part of this Government, or of the company, and will contemplate only the right of navigating the river upon the same footing, and according to the same regulations, as may be applicable to the citizens of the United States. I have already acquainted you that Lord Aberdeen has positively and explicitly declined to treat of the navigation of the St. Lawrence in connection with that of the Columbia; and that even if it were desirable to us to propose to offer one for the other, he would on no account enter into any negotiotion in regard to the St. Lawrence.

* * * I have seen no cause to change the opinion that in any attempt to divide the Oregon territory, the obligation felt by this Government to protect the rights of their subjects which may have been acquired or have grown up during the joint occupation, would most probably interpose the greatest difficulty in the way of an amicable adjustment. And it is now obvious that the proposed reservation of the right to the Hudson's Bay Company of freely navigating the Columbia, and that in favor of the British occupants north of the river, proceed from this source; although it is probable that more or less pride may be felt at giving up now, without what they may deem an adequate equivalent, what has been hitherto tendered by our negotiators.

In fact, except in the surrender to the United States of the title of the lands not occupied by British subjects between the Columbia and the forty-ninth parallel, and also surrender the jurisdiction over the river and the country within the same limits, I am afraid it may, with some plausibility, be contended that there is no material difference between the present proposition and that offered to Mr. Gallatin by Messrs. Addington and Huskisson, the British negotiators in 1827.

It is scarcely necessary for me to state that the proposition, as now submitted, has not received my countenance. * * * I have, therefore felt it my duty to discourage any expectation that it would be accepted by the President; or, if submitted to that body, approved by the Senate.

I do not think there can be much doubt, however, that an impression has been produced here that the Senate would accept the proposition now offered, at least without any material modification, and that the President would not take the responsibility of rejecting it without consulting the Senate. If there be any reasonable ground to entertain such an impression, however erroneous, an offer less objectionable, in the first instance at least, could hardly be expected.

It may be considered certain, also, in my opinion, that the offer now to be made is not to be submitted as an ultimatum, and is not intended as such; though I have reason to know that Mr. Pakenham will not be authorized to accept or reject any modification that may be proposed on our part; but that he will, in such case, be instructed to refer the modification to his Government.

It is not to be disguised that, since the President's annual message, and the public discussion that has subsequently taken place in the Senate, it will be difficult, if not impossible, to conduct the negotiation in its future stages, without reference to the opinion of the Senators, or free from speculation as to the degree of control they may exercise over the result. Whatever, therefore, might be prudent and regular in the ordinary course of things, I think it of the utmost importance, upon the present occasion, if the President should think proper to propose any modification of the offer to be made by Mr. Pakenham, that the modification should be understood as possessing the concurrence of the co-ordinate branch of the treaty power.

It is not easy to conjecture, with any certainty, the extent to which this Government might be induced to modify the proposition, even if they should be assured that the Senate, no less than the President, demanded it. It must not escape observation that, during the preceding administration of our Government, the extension of the line on the forty-ninth parallel to the strait of Fuca, as now proposed by Lord Aberdeen, was actually suggested by my immediate predecessor as one he thought his Government might accept; and that, in regard to those English subjects who would be left within American jurisdiction by adopting that boundary, he considered the provisions of the second article of Jay's treaty as a precedent for a convenient mode of dealing with them. By the second article of Jay's treaty, however, British subjects would not only be secured in the absolute title to all their lands and effects as fully as by Lord Aberdeen's proposition, but would be allowed the option to continue as British subjects, and without any allegiance to the Government of the United States, which, according to Lord Aberdeen's offer, as I understand it, they would not possess. In point of fact, therefore, the substantial points of the present offer, and those which may be expected to be regarded as most objectionable, are little more than the embodiment of the various offers or suggestions which, at different times, have, in some form or other, proceeded from our own negotiators.

I have myself always believed, if the extension on the line of boundary on the forty-ninth parallel by the stait of Fuca to the sea would be acceptable to our Government, that the demand of a right to freely navigate the Columbia river could be compromised upon a point of time by conceding it for such period as might be necessary for the trade of the Hudson's Bay Company north or south of the forty-ninth parallel. Entertaining great confidence in that opinion, and deeming it only reasonable, I confess that, from an early period, I have used every argument and persuasion in my power to reconcile Lord Aberdeen to such a limitation; and, although I am quite aware that, with a portion of the British public, an importance it by no means deserves is attached to the navigation of the Columbia river, and that in others it is undeservedly regarded as a point of pride, I have been disappointed by the pertinacity with which it has been, at so much risk, insisted upon. Feeling very sure, however, that the present offer is not made or intended as an ultimatum, I think it only reasonable to infer an expectation on the part of those who are offering it, not only that modifications may be suggested, but that they may be reasonably required. And therefore I still entertain the opinion, that although, from a variety of causes—in part, perhaps, from an expectation that in the United States this point may not be absolutely insisted upon, and in part from deference to interests and impressions at home—they could not be induced in the first instance to make an offer with such a qualification, yet if the adjustment of the question should be found to depend upon this point only, they would yield the demand to the permanent navigation of the river, and be content to accept it for such a number of years as would afford all the substantial advantages to those interests they have particularly in view that could be reasonably desired. If the only question upon which the adjustment of the Oregon question depended should be whether the navigation of the Columbia river should be granted for a period sufficient to subserve all the purposes of the

British subjects within the disputed territory, or whether the right should be extended indefinitely to a particular class of British subjects, I must believe that no English statesman, in the face of his denial of a similar privilege to American citizens in regard to the St. Lawrence, would take the hazard upon this point alone of disturbing the peace of the world. Indeed, if the same ministry from whom the present offer proceeds should continue masters of their own proposition by remaining in office until the qualification I am adverting to would have to be dealt with, I should feel entire confidence in the belief I have now expressed.

I regret to say, however, that I have not the least expectation that a less reservation than this proposed in favor of the occupants of land between the Columbia and the forty-ninth parallel would be assented to. I may repeat my conviction, founded upon all the discussions in which I have been engaged here, that, in making partition of the Oregon territory, the protection of those interests which have grown up during the joint occupation is regarded as an indispensable obligation on the score of honor, and as impossible to be neglected. I am quite sure that it was at one time in contemplation to insist upon the free navigation of the Columbia river for British subjects and British commerce generally, and that it has been ultimately confined to the Hudson's Bay Company, after great resistance, and, in the end, most reluctantly. Being so confined, however, it would be only reasonable to limit the enjoyment of the right to a period beyond which the company might have no great object to use the river for the purposes of their trade. But the interests of the British subjects who have settled upon, and are occupying lands north of the forty-ninth, are considered as permanent, and entitled, when passing under a new jurisdiction, to have their possessions secured. This, at least, is the view taken of the subject by this Government, and not at all likely in my opinion to be changed.

I may add, too, that I have not the least reason to suppose it would be possible to obtain the extension of the 49th parallel to the sea, so as to give the southern cape of Vancouver's island to the United States.

It may not be amiss, before leaving this subject, to call your attention to the position of the present ministry. The success of their measures respecting the proposed commercial relaxations is quite certain; and the corn bill, having now finally passed the House of Commons, may be expected, at no remote day, to pass the Lords by a majority no less decisive. From that time, however, the tie which has hitherto kept the Whig party in support of Sir Robert Peel will be dissolved; and the determination of the protectionist party, who suppose themselves to have been betrayed, to drive him from office, has lost none of its vigor or power. Indeed, it is confidently reported, in quarters entitled to great respect, that they have even offered to the leader of the Whig party to select his own time, and that, when he is ready, they will be no less prepared to force the ministers to resign. I have reason to know that, at present, ministers themselves believe a change to be inevitable, and are considering only the mode and the time in which it will most likely happen. It will not be long, after the success of the measures for the repeal of the "corn laws," before opportunities enough for the accomplishment of the object will occur. The "factory bill," regulating the hours of labor, will afford one, and most probably that on which the change will take place. With a knowledge that the change, sooner or later, must be unavoidable, and that the offer has been made to the probable head of a new ministry to select his own time, may it not be expected that, instead of waiting quietly to allow the Whig leader to select the time of coming in, the present Premier will rather select his own time and mode of going out, and, with his usual sagacity, so regulate his retirement as to leave as few obstacles as possible to his restoration to power? In that case it is not very unlikely he would prefer going out upon the "factory bill," before taking ground upon more important measures; and, if so, it will not surprise me to witness the coming in of a new ministry by the end of June, or earlier.

With a knowledge of the proposition now to be made, I am not prepared to say that one more objectionable might have been apprehended from a Whig ministry; unless, indeed, the present Government may be supposed to be prepared to accept qualifications, when proposed by the President, which it was unwilling at first to offer. Upon that supposition, it might be desirable that the modifications should be offered before the coming in of a new minister, who, finding only the acts of his predecessor, without a knowledge of his intentions, might not be so ready to take the responsibility of assenting to a change.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Communicating a convention with Great Britain, concluded at Washington, June 15, 1846.

To the Senate of the United States:

In accordance with the resolution of the Senate of the 12th instant, that "the President of the United States be and he is hereby advised to accept the proposal of the British Government, accompanying his message to the Senate, dated 10th June, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain, west of the Rocky or Stony mountains," a convention was concluded and signed on the 15th instant, by the Secretary of State on the part of the United States, and the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty on the part of Great Britain.

This convention I now lay before the Senate for their consideration, with a view to its ratification.

WASHINGTON, *June* 16, 1846.

JAMES K. POLK.

Convention between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington, the 15th of June, 1846.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable, for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stony mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement; that is to say, the President of the United States of America has on his part furnished with full powers James Buchanan, Secretary of State of the United States; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has on her part appointed the right honorable Richard Pakenham, a member of Her Majesty's most honorable privy council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary betwen the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's island, and thence southerly through the middle of the said channel and of Fuca's straits to the Pacific ocean: *Provided, however*, That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ARTICLE II.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia river, the navigation of the said branch shall be free and open to the Hudson's Bay Company and to all British subjects trading with the same, to the point where the said main stream to the ocean, with free access into and through the said river or rivers; it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

ARTICLE III.

In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ARTICLE IV.

The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia river shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation to be agreed upon between the parties.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[L. S.] JAMES BUCHANAN.
[L. S.] RICHARD PAKENHAM.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland was concluded and signed by their plenipotentiaries at Washington on the fifteenth day of June last.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the seventeenth ultimo, by Louis McLane, Envoy Extraordinary and Minister Plenipotentiary of the United States, and Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments.

Now, therefore, be it known that I, James K. Polk, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of August, in the year of our Lord, one thousand eight hundred and forty-six, and the Independence of the United States, the seventy-first.

[SEAL.] JAMES K. POLK.

By the President: JAMES BUCHANAN;
Secretary of State.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Communicating documents not heretofore communicated to the Senate relative to the Oregon Territory, in answer to the resolution of the Senate of 17th June, 1846.

To the Senate of the United States:

I herewith transmit, in compliance with the request of the Senate in their resolution of the 17th of June, 1846, a report of the Secretary of State, together with a copy of all "the dispatches and instructions" "relative to the Oregon treaty," "forwarded to our minister, Mr. McLane," "not heretofore communicated to the Senate," including a statement of the propositions for the adjustment of the Oregon question previously made and rejected by the respective Governments. This statement was furnished to Mr. McLane before his departure from the country, and is dated on the 12th July, 1845, the day on which the note was addressed by the Secretary of State to Mr. Pakenham, offering to settle the controversy by the 49th parallel of latitude, which was rejected by that minister on the 29th July following.

The Senate will perceive that extracts from but two of Mr. McLane's "dispatches and communications to this Government" are transmitted; and these only because they were necessary to explain the answers given to them by the Secretary of State.

These dispatches are both numerous and voluminous, and, from their confidential character, their publication, it is believed would be highly prejudicial to the public interests.

Public considerations alone have induced me to withhold the dispatches of Mr. McLane, addressed to the Secretary of State. I concur with the Secretary of State in the views presented in his report, herewith transmitted, against the publication of these dispatches.

Mr. McLane has performed his whole duty to his country: and I am not only willing, but anxious, that every Senator who may desire it shall have an opportunity of perusing these dispatches at the Department of State. The Secretary of State has been instructed to afford every facility for this purpose.

WASHINGTON, *July 21, 1846*, JAMES K. POLK.

V

To the President of the United States:

The Secretary of State to whom was referred the resolution of the Senate of the 17th ultimo, requesting the President "to communicate to the Senate a copy of all the correspondence which has taken place between this Government and that of Great Britain relative to the Oregon treaty, together with the dispatches and instructions forwarded to our minister, Mr. McLane, and a full and complete copy of his dispatches and communications to this Government on the same subject, not heretofore communicated to the Senate," respectfully reports that no correspondence has taken place between this Government and that of Great Britain, relative to the Oregon treaty, which has not heretofore been communicated to the Senate. The Secretary of State herewith submits to the President copies of all "the dispatches and instructions forwarded to our minister, Mr. McLane, and also a full and complete copy of his dispatches and communications to this Government," on the subject of the Oregon treaty, "not heretofore communicated to Congress. He also submits the copy of a note from Lord Aberdeen to Mr. McLane, dated on the 22d of May last.

In regard to his own "dispatches and instructions" to Mr. McLane the Secretary is not aware of any public considerations which now oppose their transmission to the Senate. On the contrary, he deems it eminently proper that entire copies of them all should be furnished to that body without further delay.

In regard to the dispatches of Mr. McLane to this Government, a serious question arises as to the propriety of communicating them to the Senate. This question he deems it proper to present to the President for his determination; because its decision may involve consequences for all future time, essentially affecting the ability of the executive department of the Government to conduct our intercourse with foreign nations in such manner as best to promote the public interest.

It is a primary duty of a foreign minister to communicate freely to his Government all that he sees or hears, which can have any bearing upon the interests of his country, together with his own opinions and speculations upon passing events, both at home or abroad, connected with the object of his mission. It is his business to seek information from every source within his reach, and to place his own Government in possession of all that he acquires. Such information is essential to enable this Government successfully to perform its duties to the country, in our present extended intercourse with foreign nations. Whatever, therefore, would tend to close up the sources of information against our diplomatic agents abroad, or to deter them from freely communicating all the information in their possession, could not fail to prove seriously detrimental to the national interest.

Mr. McLane has, in the fullest manner, performed his duty in this respect. His dispatches are both numerous and voluminous. He has kept the department well advised of all that it was necessary for it to know in relation to the different and varying aspects which the Oregon question has assumed in England. No person, however, who peruses these dispatches can suppose that, with the exception of very small portions of them, they were intended for publication, or that the probability of such an event had been contemplated by him.

If, under such circumstances, his conversations with individuals in office and out of office, which from their very nature were confidential, should be published to the world, this would have a strong tendency to obstruct every avenue of information against our diplomatic agents, and greatly to impair their usefulness; and, on great occasions, the possibility of a candid disclosure to them of the intentions of a foreign Government, or the real motives which might control the action of its ministers would be entirely out of the question. Persons intrusted with the conduct of foreign affairs in other countries would feel the necessity of observing towards our diplomatic agents a guarded silence, different from the course which might safely be pursued towards the ministers of other powers. The private and confidential intercourse between ministers of different countries, which often leads to the most important and beneficial results, would cease to exist in regard to the ministers of the United States. In this manner one of the great purposes of sending ministers abroad would be defeated.

Besides, the publication of such communications, especially if coupled with the minister's unreserved comments, made confidentially to his own Government, would place him in a position towards those whose confidence he had thus been made instrumental in violating, which no honorable man would desire to occupy.

The publication of such dispatches would exercise an unhappy influence upon the conduct of our diplomatic agents. In order to shield themselves from reproach, they might then be induced either to communicate important information, with their observations upon it, in private letters, and through other channels not subject to official inspection, or to refrain altogether from making communications except such as might be published to the world without unpleasant consequences to themselves. In the first case, that information which ought to exist in the archives of the department for the use of the Government in all future time would be confined to a few individuals, and in the last, the Government might be deprived of the information necessary to avert danger from the country, or to promote the best interests of the people in their intercourse with foreign nations.

The Secretary is deeply sensible that, from the very nature of our institutions the greatest publicity ought to be given to the conduct of all public agents. There should be no exceptions to this rule, unless in cases where the public interest imperatively demands it. Whether this be such a case, is respectfully presented for the decision of the President.

Public considerations alone have induced the Secretary of State to make these suggestions. In performing this duty, he need scarcely say that every facility for this purpose will most cheerfully be afforded at the Department of State to any Senator who may desire to peruse the dispatches of Mr. McLane.

All which is respectfully submitted by

JAMES BUCHANAN.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE, WASHINGTON, July 12, 1845.

SIR: Although the President does not intend to transfer the Oregon negotiation from Washington to London, yet, as Her Britannic Majesty's ministers will doubtless afford you frequent opportunities of conversing on the subject, it is proper that you should be well informed of the present state of the question. For this purpose it is necessary to furnish you with a brief historical sketch of the propositions for its adjustment which have been heretofore made and rejected by the respective governments.

The first negotiation was that of 1818, which terminated in the convention of the 20th of October of that year. It was conducted by Messrs. Gallatin and Rush, as American Plenipotentiaries, in obedience to instructions from Mr. Adams, then Secretary of State under Mr. Monroe's administration. Our Plenipotentiaries inform us that they did not, on that occasion, "assert that the United States had a perfect right to the country, but insisted that their claim was at least good against Great Britain." They, therefore, offered to compromise by adopting the parallel of forty-nine degrees as the dividing line betweed the two countries, and by surrendering to Great Britain the free navigation of the rivers (the Columbia, of course, included) which might be dissected by this line. The British Plenipotentiaries (Messrs. Robinson and Goulburn) in answer, "did not make any formal proposition for a boundary, but intimated that the river itself was the most convenient that could be adopted, and that they would not agree to any that did not give them the harbor at the mouth of the river in common with the United States." But although they did not propose a permanent boundary, they did make a most extraordinary proposition to the American Plenipotentiaries, which was instantly and properly rejected. This was no less in effect that the United States should surrender to Great Britain the exclusive sovereignty over the whole territory north of 49 degrees, whilst that portion of it which lies between the 45th and 49th parallels, embracing the mouth and nearly the whole course of the Columbia river, should "be free and open to the subjects and citizens of the two States respectively, for the purpose of trade and commerce," reserving the claims of the respective parties, not to the whole territory, but to this section of it merely.

This negotiation resulted in the adoption of the third article of the convention of the 20th of October, 1818, under which the United States so far yielded to the claims of Great Britain as to agree that the whole territory should "be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens and subjects of the two powers."

The second negotiation on this subject, during the administration of Mr. Monroe, was conducted, in 1824, by Mr. Rush as the American Plenipotentiary, under the instructions of Mr. Adams. In the meantime the United States had acquired the Spanish title, embracing the whole territory in dispute, under the Florida treaty of the 22d of February, 1819; and Mr. Monroe had made his celebrated declaration to the world, that the American continent should no longer be subject to colonization. Notwithstanding this change in the relative position of the parties, Mr. Monroe, anxious to settle the conflicting claims of Russia, Great Britain and the United States, to the territory on the northwest coast of America, and knowing that this could only be done by compromise, authorized Mr. Rush, through the instructions of Mr. Adams, dated the 22d July, 1823, "with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall be made on the northwest coast, or on any of the islands thereto adjoining, by Russian subjects, south of latitude 55; by citizens of the United States north of latitude 51 degrees, or by British subjects either south of 51 or north of 55. I mention (says Mr. Adams) the latitude of 51 as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia river branches as far north as 51." "As, however, the line already runs in latitude 49 degrees to the Stony mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea."

Mr. Rush, with great ability, attempted to execute his instructions. He first proposed 51 degrees, and afterwards 49 degrees, but in vain. These propositions were severally rejected by the British Plenipotentiaries (Messrs. Huskisson and Stratford Canning), who proposed the 49th parallel as a permanent boundary between the two countries until it should strike the northeasternmost branch of the Columbia river (McGillivray's) and thence down the same to its junction with the ocean, "the navigation of the whole channel being perpetually free to the subjects and citizens of both parties." This proposition was rejected by Mr. Rush, and here the negotiation ended.

The third negotiation on this subject took place in 1826–7, during the administration of Mr. Adams, and was conducted by Mr. Gallatin as American Plenipotentiary, under instructions from Mr. Clay, then Secretary of State. The third article of the convention of October, 1818, was about to expire by its own limitation; and a most formal and serious effort was then made finally to adjust this vexed question; but it utterly failed. This negotiation displays great research and ability on both sides. Mr. Gallatin, in behalf of the United States, again offered to compromise the question by adopting the 49th parallel of latitude as the dividing line between the two countries west of the Rocky mountains, and to agree that the navigation of the Columbia should "be perpetually free to the subjects of Great Britain in common with the citizens of the United States," provided this line should strike the northeasternmost or any other branch of that river at a point from which it was navigable for boats.

This offer was rejected by the British Plenipotentiaries (Messrs. Huskisson and Addington) in very strong terms. They repeated the offer which had been made to Mr. Rush on the part of Great Britain in 1824, with this addition, that they were willing to concede to the United States the possession of Port Discovery, on the southern coast of De Fuca's inlet, and annex thereto "all that tract of country comprised within a line to be drawn from Cape Flattery, along the southern shore of De Fuca's inlet to Point Wilson, at the northwestern extremity of Admiralty inlet; thence along the western shore of that inlet, across the entrance of Hood's inlet, to the point of land forming the northeastern extremity of the said inlet; from thence, along the eastern shore of that inlet, to the southern extremity of the same; from thence direct to the southern point of Gray's harbor; from thence along the shore of the Pacific to Cape Flattery as before mentioned.

This proposition was rejected by Mr. Gallatin, and the negotiation terminated in the convention of August 6, 1827, which continued the third article of the convention of October, 1818, until it should be abrogated by the one party or the other, by giving a notice of twelve months to that effect. This convention has ever since remained in force; and ever since, under its provisions, the subjects of Great Britain have enjoyed the same rights over the whole territory as the citizens of the United States. This joint occupation has continued for more than a quarter of a century; and it is not to be supposed that the British Government will now consent by negotiation to yield to us the whole territory up to 54° 40′, after our Government had thrice offered to divide it by the parallel of 49 degrees, and they had thrice refused this offer, even when accompanied by a grant of the free navigation of the Columbia.

The next notice of this question will be found under the administration of General Jackson. It is contained in the instructions of Mr. Livingston to Mr. Van Buren, dated on the 1st of August, 1831, with a copy of which, so far as they relate to this subject, you shall be furnished. From this, you will perceive that General Jackson's administration, so far from objecting to the occupation of the whole territory by the British in common with ourselves, were entirely satisfied to suffer this state of things to continue. These instructions do not proceed upon the principle of claiming the whole territory for the United States, although they express a strong opinion in favor of our right. After stating that the term of joint occupation was indefinitely continued for the purpose, in the language of the treaty, "of giving time to mature measures which shall have for their object a more definite settlement of the claims of each party to the said territory," they go on to remark that "this subject, then, is open for discussion; and until the rights of the parties can be settled by negotiation, ours can suffer nothing by delay."

These instructions evidently looked to a settlement of the rights of the respective parties by negotiation, and not to an absolute exclusion of Great Britain from the whole territory.

From the 1st of August, 1831, the date of Mr. Livingston's instructions to Mr. Van Buren, until the 9th of October, 1843, no further notice of the Oregon question was taken in any instructions from this department. On that day Mr. Upshur, then the Secretary of State under Mr. Tyler's administration, addressed instructions to Mr. Everett on the subject. Following in the course of compromise pointed out by his predecessors, Mr. Upshur says: "The offer of the 49th parallel of latitude, although it has once been rejected, may be again tendered, together with the right of navigationg the Columbia upon equitable terms. Beyond this the President is not now prepared to go. Nevertheless, you may propose or receive, subject to the approval of this Government, any other terms of compromise, which, in the progress of your discussions, may appear to promise a satisfactory adjustment of this important question."

Next came the existing negotiation which the President found pending on his accession to office.

This negotiation, like all which had preceded it, was based upon the principle of compromising the claims of the parties, and not of demanding the whole territory for the United States. The first protocol signed by Messrs. Calhoun and Pakenham, on the 23d of August last, states that it was instituted "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between the two countries westward of the Rocky mountains to the Pacific ocean."

The President, at a very early period of his administration, was called upon to decide whether he would break off or continue this negotiation. Placed in such a responsible position, he first inquired whether the national honor required that he should abruptly terminate it by demanding the whole territory in dispute. War before dishonor, is a maxim deeply engraven upon the hearts of the American people, and this maxim ever shall regulate his conduct towards foreign nations. But it was impossible for him to conceive that there could be dishonor in pursuing the course which had been adopted by Mr. Monroe, his patriot revolutionary predecessor, more than a quarter of a century ago, and had been either expressly sanctioned or acquiesced in by all succeeding administrations.

His next inquiry was, would a compromise of the claims of the parties, by adopting the parallel of 49 degrees, materially injure the interests of the United States? The entrance of the straits of Fuca, Admiralty inlet, and Puget's sound, with their fine harbors and rich surrounding soil, are all south of this parallel. We know but little of the country north of it, but from all the information we have obtained, it is, with the exception of a few spots, wholly unfit for agriculture, and incapable of sustaining any considerable population. Its chief, indeed almost its only value, consists in the furs which may yet be collected upon it; and even in this particular it is not of much importance.

Arbitration being out of the question, the alternatives which remained were either to compromise the claims of the parties upon terms similar to those which had often been proposed by the Government of the United States and rejected by that of Great Britain, or to demand the exclusive sovereignty over the whole territory in dispute, and thus to render war almost inevitable. In the present enlightened and christian age, war ought to be the very last alternative of nations, and should never be resorted to unless for a cause which renders it imperatively necessary. To rush into hostilities, if this can be honorably avoided, would subject the United States to the condemnation of all christendom. The President doubts whether the judgment of the civilized world would be in our favor in a war waged for a comparatively worthless territory north of 49 degrees, which his predecessors had over and over again offered to surrender to Great Britain, provided she would yield her pretensions to country south of that latitude. Besides, a war for such a cause, whilst it would doubtless be sustained by the patriotism, might not meet the approbation of a large portion of our own fellow citizens.

On the other hand, suppose the American proposition of the 49th degree of latitude should be again made by the United States and again rejected by Great Britain, and war then be the consequence, we might appeal to all mankind for the justice and moderation of our demand. The voice of an impartial world would pronounce our cause to be righteous, and our own citizens would be enthusiastically united in sustaining such a war. Should the negotiation end in disappointment, the President, having done all that can be required of him for the preservation of peace, will afterwards feel himself perfectly free to insist upon our rights in their full extent, up to the Russian line.

Influenced by these important considerations, you will perceive from my note to Mr. Pakenham, a copy of which I now enclose you, that the President has once more proposed to the Government of Great Britain that the territory west of the Rocky mountains, which has been, under existing treaties, "free and open" to the occupation of both nations ever since 1818, shall now be divided between them by the 49th parallel of north latitude, offering at the same time to make free to Great Britain any port or ports on Vancouver's island, south of this parallel, which the British Government may desire.

You will observe that the proposition is silent in regard to the navigation of the Columbia river—a privilege which has heretofore been repeatedly offered to Great Britain in former attempts to settle this question. Such a privilege the President cannot concede, although he is well aware of the serious, if not insuperable obstacles which this may present to the success of the negotiation. The tenacity with which Great Britain will adhere to the free navigation of the Columbia, which she now enjoys, is manifest from the note of Mr. Pakenham to Mr. Calhoun, of the 12th September last, with a copy of which you have been furnished.

If the free navigation of the Columbia were granted to Great Britain, this would be perpetual source of strife and cause collision between the citizens and subjects of the two nations in those remote regions. It would be almost impossible, by any vigilance which could be exerted, to execute the revenue laws of the respective countries, and prevent smuggling on either side of the river. Besides, there are several portages around the falls and rapids of this river and its branches, the use of which is necessary to the enjoyment of its free navigation. This would introduce the subjects of Great Britain with their merchandise into the heart of the country, and thus greatly increase the evil beyond what it would be if they were cofined to the channel of the river. The President is desirous to adjust the question in such a manner as to leave no source behind from which might proceed new difficulties and new dangers, again to involve the peace of the two countries. With his present impressions, he can never yield to Great Britain the free navigation of the Columbia.

It is to be hoped that Great Britain may view this subject in the same light, especially as within the last few years rivers have been explored and resorted to north of 49 degrees, on which her trade may be conducted between the interior and the ocean, without the use of the Columbia.

Whilst denying this privilege, which has been hitherto so often offered, it may be asked, what reason have we to hope that Great Britain may now accede to the naked parallel of 49 degrees? There would be little or none, unless our proposition had contained such a concession in some other particular as to enable her to retreat with honor from her former demands. This will be found in our offer to make free to Great Britain any port or ports on Vancouver's island, south of 49 degrees, which the British Government may desire. It is true, this is but a trifling concession, considering the small portion of the cap of Vancouver's island which lies south of that parallel; and, although no equivalent, it is yet something which may be a refuge for British pride, whilst surrendering the free navigation of the Columbia. Besides, as they have in their last proposition so far gone beyond that of 1827 as to offer to make free to the United States any port or ports which they might desire, either on the main land to Vancouver's island, south of latitude 49 degrees, our offer to them of free ports on the southern cap of that island may be deemed a reciprocal concession.

Had this been a new question, you are fully aware that the President never would have presented such a proposition; but it must not be forgotten that the American Government never dies, although the agents who administer it are perpetually changing. Its course of policy towards foreign nations should not change with every changing administration; but ought to be uniform and consistent, unless for reasons of imperative necessity.

From what has been said, you will perceive how wholly impossible it is for the President to accept any terms of compromise which would bring the British south of the parallel of 49 degrees; and this you may intimate to the British ministers in conversation, should you deem it wise under all the circumstances. The only exception to this rule which could possibly be made might be the concession, for an adequate equivalent, of the small cap of Vancouver's island south of this latitude, which would be of no importance to the United States, whilst it is of considerable value to Great Britain.

You will enforce our proposition upon the British ministry with all the enlightened ability of which you are so eminently the master. Should it be rejected, the President will be relieved from the embarrassment in which he has been involved by the acts, offers, and declarations of his predecessors. Afterwards, if the difficulty can only be resolved by the sword, we may then appeal, with confidence, to the world for the equity and justice of our cause, and may anticipate the smiles of Heaven upon the right.

I am, &c., JAMES BUCHANAN.

LOUIS MCLANE, Esq., &c., &c.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE,
WASHINGTON, *November 5, 1845.*

SIR: Your dispatches to No. 16, inclusive, have been duly received.

Since the receipt, on the 21st ultimo, of your No. 9, I have had several conversations with Mr. Pakenham. His purpose doubtless, was to ascertain whether the President would not take back his withdrawal of our proposed compromise, and suffer it to stand as a basis of further negotiation; and, if it could not be done, to obtain some assurance in advance as to the manner in which a new proposition from the British Government would be received. He did not accomplish either object. In these conversations, I gave him distinctly to understand that the President could not consent to recall what had been already done, nor to modify in any degree the withdrawal of our offer. At the same time, I observed, in answer to a question propounded by him, that if the British Government should think proper to make any new proposition to the Government of the United States for the settlement of the Oregon question, it would be respectfully considered by the President, without, however, feeling himself committed in any degree by the offer which had been already made and rejected, and afterwards withdrawn.

Mr. Pakenham urged that he had not rejected our proposition, but had merely refused to accept it; and endeavored by argument to impress upon my mind the distinction, not very obvious, between the refusal to accept a proposition and its rejection. To this I replied by referring him to the subsequent part of his note, in which he expressed his trust that "I would be prepared to offer some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and within the reasonable expectation of the British Government." This language, I observed, necessarily implied, not only an emphatic rejection of our offer, but a condemnation of its character.

In consequence of my communications with Mr. Pakenham, the President, after holding two cabinet councils on the present state of the Oregon negotiation, has finally determined that he would not renew his former offer, nor submit any other proposition; and it must remain for the British Government to decide what other or further steps, if any, they may think proper to take in the negotiation. You will not be surprised at the result, as you are well aware that nothing but deference for the repeated action of his predecessors, and for the principle of compromise on which the negotiation had been commenced, as well as a sincere desire to cultivate the most friendly relations between the two countries, could have induced him so far to depart from his well-known opinions as to have directed the proposition to be made which has been rejected and withdrawn.

Mr. Pakenham's note of the 30th of July, rejecting our proposition, became, immediately after its receipt, the subject of grave deliberation by the President. Upon a full consideration of the whole question, and after waiting a month for further developments, he arrived at the conclusion that it was a duty which he owed his country to withdraw the proposition which he had submitted. This was accordingly done by my note to Mr. Pakenham of the 30th of August last. The President thus took his ground, from which he will not depart. If the British Government have any new proposition to submit, it must proceed from them voluntarily, and without any previous invitation or assurance on our part; and then such a proposition will be respectfully considered by the Government of the United States.

This is the posture on which the negotiation now stands; and, unless in the meantime it should be changed by some action on the part of the British Government, the President intends to lay the whole subject before Congress for their consideration.

I am, &c. JAMES BUCHANAN.

LOUIS MCLANE, Esq., &c., &c.

Mr. McLane to Mr. Buchanan.—Extracts.

LONDON, *December 1, 1845.*

Although it is well understood here, that, in the present posture of the Oregon question, my connection with it must be in a great degree informal, the Earl of Aberdeen occasionally makes it a subject of conversation.

At his request I have recently had an interview with him, when he put in my hand, to read, two dispatches from Mr. Pakenham: one, in explanation of his rejection, without reference to his Government, of the President's proposition; the other, containing a statement of his subsequent attempts to induce you to allow the President's proposition to stand as the basis of further negotiation, or to have some assurance of the answer which a new proposition from the British Government would receive. * * *

In his first letter, Mr. Pakenham, among other things, thought his treatment of the President's proposition justifiable on the ground of his instructions, which, in his opinion, forbade the expectation that such a proposition could, under any circumstances, receive the approbation of his Government. He also * * * expressed his belief that a reference of the proposition to his Government, merely, as he supposed, to be rejected, would not have avoided the embarrassment in which the subject has been by that step involved.

In answer to these views, I had only to point out the clear insufficiency of Mr. Pakenham's explanations; and to defend and justify the withdrawal of the President's proposition upon the obvious grounds on which, in your communications, you had placed it; to point out with entire explicitness the attitude the President had determined to maintain, and the course it was his intention to pursue, in conformity with the statement in your dispatch No. 13, dated the 5th November last.

The principal object of Lord Aberdeen in seeking the interview appeared to me to be, to point out the embarrassment in which he thought the President's withdrawal of his proposition had placed this Government. It was quite evident—indeed, he expressly said—that he was not prepared to accept the President's proposition, but desired only to make it the basis of further negotiation and modified propositions from his Government, which he would have done, notwithstanding the rejection of it by Mr. Pakenham, if it had not been withdrawn by the direction of the President. He complained of the withdrawal of the proposition as unusual, if not unprecedented in diplomacy; and seemed to consider it impossible, in the present posture of the affair, to submit any proposition for a partition of the territory in dispute, unless he could have some assurance of the treatment which any proposition he might submit for that purpose would receive.

Under these circumstances, he could only regard the negotiation as having been terminated by the President; and the door to further attempts at compromise being thus closed, this Government had no alternative, in its desire to preserve the peaceful relations of the two countries, [other] than to propose arbitration, and abide the consequences. Indeed, I understood him to say, very distinctly, that this course would be pursued. It may be considered certain, therefore, that if he has not already, Mr. Pakenham will, by the present steamer, be instructed to propose an arbitration; and that according to the answer that proposition may receive, the ultimate course upon the part of this Government will be defined.

I think it not improbable that if the offer be declined upon the ground upon which it is understood it was refused by Mr. Calhoun, to-wit: that a more satisfactory adjustment might be obtained through the medium of negotiation, this Government would then submit a new proposition, and so resume the negotiation; but that if it be refused on such terms as warrant them in assuming that our Govment has determined to insist upon the extreme claim, and to decline both negotiation and arbitration, this Government will treat the offer to arbitrate as its ultimatum, and abide the result. Of course, these opinions are founded upon the observations of the Earl of Aberdeen in the conversation to which I have already alluded to.

Although I am quite sure that the Earl of Aberdeen has no idea at present of accepting the compromise contained in the President's proposition, it would not surprise me if an arrangement upon that basis should prove acceptable to large and important classes in this country—indeed complained of principally by the Hudson's Bay Company, and those in its interest. That the ministry would find it difficult and hazardous to prefer war to such a settlement, may be well imagined; although you may assume it to be certain, that when war becomes inevitable it will receive the undivided support of the British people.

I believe the Government and people here are quite prepared for the reassertion in the message of the President's opinions expressed in his inaugural address; and, perhaps, for a recommendation by him to terminate the joint occupation in the manner provided by the existing treaty. And I also think that, unless the recommendations in the message should be such as to discourage further negotiation, and to manifest a determination to insist upon our whole right, they would not lead to any immediate measures upon the part of this Government, or materially add to the embarrassment in which the relations between the two countries appear to be at present involved.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE, WASHINGTON, June 6, 1846.

SIR: I transmit to you, herewith, a copy of the projet of a convention delivered to me by Mr. Pakenham this morning, for the adjustment of the Oregon question, together with a copy of the protocol of the proceeding. This being the regular day for the meeting of the cabinet, the subject was brought before them by the President. The result was a determination on his part to submit the projet to the Senate, for their previous advice. This will be done as soon as the proper message can be prepared, and the necessary papers copied. I am, &c.,

JAMES BUCHANAN.

LOUIS MCLANE, ESQ., &c. &c. &c.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE, WASHINGTON, June 13, 1846.

SIR: The President communicated to the Senate, on the 10th instant, a confidential message, of which I transmit you a copy, asking their previous advice in regard to the projet of a convention for the adjustment of the Oregon question, delivered to me by Mr. Pakenham on the 6th instant.

On yesterday the Senate adopted the following resolution:

"*Resolved* (two-thirds of the Senators present concurring), That the President of the United State be, and he is hereby, advised to accept the proposal of the British Government accompanying his message to the Senate, dated 10th of June, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain, west of the Rocky or Stony mountains."

The vote of the Senate stood 37 to 12.

I have learned from the best sources that the Senate gave this advice under the conviction that, by the true construction of the second article of the projet, the right of the Hudson's Bay Company to navigate the Columbia would expire with the termination of their present license to trade with the Indians, &c., on the northwest coast of America, on the 30th of May, 1859. In a conversation with Mr. Pakenham to-day, I communicated this fact to him, and requested him to state it in his dispatch to Lord Aberdeen.

The treaty will be signed and sent to the Senate on Monday next, and it is more than probable they will, in some form or other, place upon their records their understanding of its true construction in this particular. I am, &c.,

JAMES BUCHANAN.

LOUIS MCLANE, ESQ., &c. &c. &c.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE, WASHINGTON, July 22, 1846.

SIR: The Senate having given its constitutional advice and consent to the treaty concluded on the 15th instant between the United States and Great Britain for the adjustment of the Oregon question, the President has ratified it on the part of the Government of the United States, and I now transmit to you the American ratification, to be exchanged against that of Her Britannic Majesty. You will, accordingly, upon the receipt of this dispatch, inform Her Majesty's principal secretary of state for foreign affairs that the treaty has been ratified on our part, and that you are, as you will perceive by the special power which is herewith enclosed, authorized to exchange the ratifications with such person as may be duly empowered for that purpose on the part of the British Government. As no difficulty or delay in this exchange is anticipated, General Armstrong, who carries out the treaty, has been instructed to wait for, and take charge of, the English ratification, if, in your opinion, there is a prospect of its being obtained in time to be forwarded by the steamer of the 19th of July. Should the exchange copy not be received until after that date, you will either avail yourself of some safe private conveyance to forward it to this country, or to send it to General Armstrong, at Liverpool, for transmission.

I am, sir, respectfully, your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQ., &c. &c. &c.

Lord Aberdeen to Mr. McLane.

FOREIGN OFFICE, May 22, 1846.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, has had the honor to receive the note of Mr. McLane, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, dated the 20th, and delivered on the 21st instant, enclosing a document, dated on the 28th day of April, signed by the President of the United States of America, and countersigned by the Secretary of State, in which, after reciting a joint resolution concerning the Oregon territory which has been adopted by the Congress of the United States, the President, in conformity with the terms of that resolution, gives to her Britannic Majesty's Government the notice required by the second article of the convention of the 6th of August, 1827, between Great Britain and the United States for the abrogation of the same.

The undersigned acknowledges, accordingly, on the part of Her Majesty's Government, the receipt of the said notice; and declares that, in conformity with its tenor, Her Majesty's Government will consider the convention of the 6th of August, 1827, abrogated accordingly from the 21st day of May, 1847.

The undersigned has the honor to renew to Mr. McLane the assurances of his high consideration. ABERDEEN.

LOUIS MCLANE, ESQ., &c. &c. &c.

Message From the President of the United States,

In answer to the resolution of the Senate of the 18th of June, 1846, relative to the claims of the Puget's Sound Agricultural Company, and the possessory rights of the Hudson's Bay Company.

To the Senate of the United States:

I communicate herewith a report from the Secretary of State, in answer to the resolution of the Senate of the 18th of June, 1846, calling for certain information to the Oregon territory. JAMES K. POLK.

WASHINGTON, July 21, 1846.

To the President of the United States:

The Secretary of State, to whom was referred by the President the resolution of the Senate of the 18th ultimo, respectfully reports that there is not in the Department of State any official document or evidence "in relation to the kind and extent of claims to farms and lands of the Puget's Sound Agricultural Company, in the territory of Oregon;" nor is there in this department "a copy of the act incorporating the Puget's Sound Agricultural Company," or of "the original instrument constituting that company;" nor is their any official document or evidence in this department "relative to the kind, character, number and extent of the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in the occupation of land or other property in the Oregon territory south of the 49th parallel of latitude," nor of "the number of such British subjects, including the members, agents and servants of said company," nor of the "location, number and extent of the forts, stations, and settlements of said company south of said parallel," nor of "the means of attack and defense in the possession of said company within said limits."

The only information on the subjects in the possession of the Secretary of State has been obtained from books accessible to all, and has been chiefly derived from the following sources:

First—The correspondence and proceedings of the Hudson's Bay Company with the British Government, previous to the renewal of the lease of that company on the 30th of May, 1838, for a term of twenty-one years, to trade with the Indians in certain parts of North America west of the Rocky mountains. This correspondence and these proceedings were ordered to be printed by the House of Commons on the 8th of August, 1842, and may be found in the twenty-eighth volume of "Accounts and Papers," &c., in the Congressional Library. There is no copy of this work in the State Department.

Second—From detached portions of Captain Charles Wilkes' Narrative of the Exploring Expedition, contained in volume 4, chapters 9, 10, 11, 12, 13 and 14.

And, third—From Mr. Greenhow's History of Oregon and California, and especially pages 31, 32 and 33 of that work.

All of which is respectfully submitted by

JAMES BUCHANAN.

DEPARTMENT OF STATE, WASHINGTON, 18th July, 1846.

The news of the treaty rapidly spread over the country and created much excitement, although the settlement failed to please those who had insisted on "54-40," it at the same time gave assurance that the country could be settled without any likelihood of trouble with England, and a great many, especially from the west, determined to go to this new "promised land" on the far away Pacific. The next year, a larger number of immigrants crossed the plains than ever before. Among them was the compiler of this history, who has since made Oregon his home.

Senator Benton who still continued to retain his interst in the welfare of Oregon, wrote the following letter to Passed Midshipman, James Blair, who had been connected with Commodore Wilkes's expedition, asking information in regard to the Columbia river bar, which he had assisted to survey.

HARBOR AT THE MOUTH OF THE COLUMBIA.

Letter from Senator Benton to James Blair, Esq., United States Navy.

WASHINGTON CITY, March 30, 1846.

DEAR SIR: I have understood that you were one of the officers of the late exploring expedition under Captain Wilkes, who made the survey of the mouth of the Columbia river. Messrs. Knox and Reynolds, who are not now in this city, being the other two; and that you were upwards of two months engaged in that work. If so, I should suppose that yourself, and the two gentlemen named, must be better acquainted with the mouth of that river than any other persons in the world; and desiring to have the best information in relation to the place, I address myself to you alone, in the absence of Messrs. Knox and Reynolds, for the fullest account you can give me of it, with all its defects and capabilities as a harbor for vessels of war or commerce, such as now in state of nature, and such as it may be in the hands of a maritime power, and with all the advantages of beacons, buoys, lights, pilots and steam towboats. The character of the coast about it, whether high or low land—the character of the channels, bars, breakers,—depth of water on the bar, and also on the inside and outside of the bar—distance across the bar, and the length of time to cross it, coming in and going out—the currents, winds, and tides, —temperature of the air, summer and winter—capacity of the port as to the number of vessels it can receive—its security from winds—its defensibility against enemies—its proximity to the sea—the points, if any, outside of the harbor to shelter or hide an enemy's fleet blockading the port, or waylaying its commerce—with all other information necessary to a complete knowledge of the place as a good or bad port, and as being capable or not capable of being made a safe and better. I wish you to give me, if possible, the full result of your experience and observations during the whole time you were employed in the survey, with the facts and circumstances which justify your opinions, which I may rely on in any use which I may choose to make of your statements.

Very respectfully, sir, your friend.

THOMAS H. BENTON.

JAMES BLAIR, Esq., U. S. N.

James Blair to Thomas H. Benton.

WASHINGTON, April 2, 1846.

SIR: In answer of your inquiries of the 30th ultimo, I regret that neither Lieutenants Knox or Reynolds are in the city, for information from them would be more satisfactory to you. They are both senior to myself; and the first being directly charged with, and responsible for, the service, in which I cooperated, a statement from him particularly would have been much greater authority than anything from me. Yet I venture to say that it would be precisely the same in import, however in other respects more satisfactory.

Lieutenant Knox, commander of the *Flying Fish*, conducted and completed the survey with great ability, sharing with Lieut. Reynolds and myself the drudgery of sounding out the harbor, channels, and bar. The accompanying chart will show you how faithfully the work was performed—every spot in the bed of the river having its depth ascertained. The diagram will explain how easily the river may be entered by ranges of landmarks, and without the compass. The only difficulty in entering the harbor of the Columbia is the strength of the currents. They vary from five to three miles an hour, according to the time of the tide, and differing in several parts of the channel. When the water is low, and confined to the channels, the currents are very strong; but as the river rises the tide sweeps over the middle sands, and are much moderated.

During two months and a half we were engaged in the *Flying Fish* upon this survey, from August to November, we had ample opportunity to observe the effect of all weathers upon the bar and channels. In heavy weather the bar is dangerous, but not more so than any other bars, with the same depth of water and in like situation. The channels are very much protected by the north and south breakwaters, upon which the sea breaks, leaving the channel comparatively smooth, and when the sea is running highest, the more completely is it broken upon these breakwaters. If the bar and channels were buoyed out, there would be no necessity for pilots. Four and a half fathoms is the least water found on the bar at any time. This is sufficient water for frigates and the largest merchantmen, even with a swell running. There is as much water on this bar as through the famous Gidney channel into the harbor of New York. In a state of nature as it is now, it is far preferable to that, on many accounts—especially on the proximity of safe anchorage to the sea, which the bold shores of the river, the high land, and the heavy timber, cover from the storm.

Lieutenant Knox discovered the south channel (which renders the entrance into the river much more direct and easy) when upon a reconniasance of the work to be performed, he observed and concluded that such a vast body of water as swept between the great middle sands and the southern shore must create a deep channel. He pulled through in a boat, and followed shortly afterwards with the schooner drawing nine feet of water. This channel is a straight chute, and, taking the direct course of the *dead tree* land mark with the remoter on Young's Point, (Cockscomb hill). You enter the river on a straight line; never having less than four and a half fathoms water, and a width of from three-quarters to one-third of a mile. There is no difficulty in entering even against the ebb tide, if the ship has a six knot breeze. Three knots are sufficient to keep the range on with the flood tide. The wind is free for this channel to enter, when from any point of the compass west of north and south through the channel the tide is so strong that a vessel can beat through it with the tide against the wind, and a larger one can back and fill through when the sea is not high. We passed in and out of the river, schooner and boats, from thirty to forty times, and were never in any danger, except when venturing upon the breakers or the middle sands. Lieut. Knox would sometimes club through the channel in a calm, merely using his anchor to sheer from one side of the channel to the other, as the occasion required.

If Sir Edward Belcher, of the English navy, knew of this channel, he kept it to himself, as he did all the information he had obtained while here. This was ingratitude, unless the result of obedience to positive orders from the Admiralty; for the *Peacock* assisted him when unfortunate in the Fijee islands, and Captain Hudson's want of information was the immediate cause of the loss of his ship; yet this disaster might have been avoided, if the precaution of feeling our way in had been adopted.

While the *Peacock* was going to pieces on the north breakers, Lieutenant Knox, in the schooner *Flying Fish*, felt his way with the lead over the bar, and was about to anchor near Cape Disappointment, and would easily thence have entered the river, but was ordered to sea again by signal from the *Peacock*. After the discovery of the south channel, we used it or the north as served best for the occasion. You may see, by inspecting the accompanying chart, that the north channel (which seems to have been the only channel known, or, at least, used, until Knox's discovery of the south channel) has two elbows, and is, besides subject to strong cross tides. It is, however, deeper and wider than the south channel. All things considered, I think the south channel preferable for entering, and the north for leaving the river, with the prevailing northwest sea breeze. This sea breeze generally prevails throughout the year, in all clear weather, from about 11 o'clock A. M. until sunset. There was during the season we were on the northwest coast, much more clear weather than I had ever experienced on the east coast of the United States at the same season of the year, and a milder climate at all seasons. You will perceive, by inspecting the diagram, that the northwest sea breeze is a leading wind *in* through the south, and a leading wind *out* through the north channel.

In answer to your inquiries of the depth of water on the bar, I reply that the mean depth is about five fathoms; in and outside of it, six and a half fathoms; distance across it, half a mile, when the current of the river combines with the tide, the water flows out of the river five miles an hour; the current against the flood tide merely neutralize each other. Mean rise of tide, about six feet. The winds prevail from the north, northwest and west, and moderate during the summer; during the winter, from west to southeast and stormy. Temperature of the air is mild as that of Europe in the same latitudes, during the same seasons. Security from winds as good as any harbor that I have ever been in of the same size. Its defensibility perfectly easy by those in possession of both the cape and Point Adams. From the cape you can command the north and the Chinook channels by a raking fire for two and a half miles, whether in approaching or receding from the cape, after passing it. Every ship is obliged to pass at the nearest point within musket shot. You have the same command of the south and Clatsop channels from Point Adams, and here ships ore obliged to pass within a half to three-quarters of a mile, and may be subjected to a raking fire in the approach and receding, after passing. Even the temporary occupation of the middle sands holds perfect control of the passage up the river. A secure harbor may be reached in Baker's bay, or near the Clatsop shore, within Point Adams, within three and a half miles of the open sea. Frequently, in twenty minutes after weighing anchor, we have been out to sea. We were about this time coming out when the squadron (the *Porpoise*, *Oregon* and *Flying Fish*) left the river.

Shoalwater bay, to the northward, is the only shelter near the Columbia river, and that only for small vessels; for the entrance to it is shoal and intricate. The harbor of the Columbia river as a seaport, is inferior to none, except Newport, on the east coast of the United States, in point of security from winds, defensibility, proximity to the sea, or capacity as a harbor for vessels of war or commerce. In the hands of a maritime power, with all the advantages of pilots, buoys, lights, and steam tow-boats, it will be found one of the best harbors in the world.

In addition to my own experience and observation (the results of which are found in the notes of the survey and marked on the chart), I obtained much information, confirming my opinion, from Mr. Birney, commanding Fort George, formerly called Astoria.

JAMES BLAIR,
Passed Midshipman, U. S. N.

HON. THOMAS H. BENTON,
United States Senator.

Mr. Maginn's Statement and Opinion.

Mr. John Maginn, of the city of New York, and since the year 1828, a regular licensed pilot in the harbor of that city, now president of the Association of Pilots in New York, and at present in the city of Washington as agent of the State pilots in their application to Congress, being requested by Senator Benton to examine the chart of the mouth of the Columbia, in the library of Congress, as made upon the surveys and soundings by the officers under Captain Wilkes, and to compare the same with a chart of the harbor of New York, and to give my opinion of the comparative merits of the two harbors, do hereby state and declare:

That I have made such comparison accordingly, and find that the mouth of the Columbia is the better harbor, and has manifest advantages over the harbor of New York in all the essential points which constitute a good harbor. It has deeper water on the bar, having four and a half fathoms, without addition of tide, which is there said to be eight feet, while the New York harbor has on the bar but four fathoms, without the addition of tide, which is six feet. The bar in the Columbia is half a mile across, while that of New York is about three-quarters of a mile. The channel on the bar at the mouth of the Columbia is about 6,000 feet at the narrowest, and 12,000 at the widest, and then shoals gradually on each side; while the channel on the bar off Sandy Hook is about 600 feet and shoals rapidly. The channel across the bar is straight at the Columbia; that of New York is crooked. As soon as the bar is crossed in the Columbia two channels present themselves—one at the south, a new channel, discovered by Captain Wilkes' officers, who made the soundings entirely straight, and deep enough for ships of the line; the other, the north, or old channel, being crooked, or rather forming an elbow, and deep enough for any ship after crossing the bar. Both these channels are from 6,000 to 12,000 feet wide or more, and free from shoals; while the New

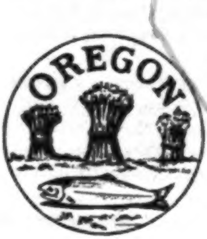
York channels, after crossing the bar, are narrow and crooked, and beset with shoals, which require many changes of course of the ship. In accessibility to the sea, the Columbia is far the best, as it is immediately at the sea, and ships can get out of the sea into the harbor at once, and also get out at once into the high sea, and thus more easily elude cruisers in time of war. A great number of good and safe anchorages are found in the Columbia as soon as the ship enters, and room enough for thousands of vessels and deep enough for ships of the line.

The bars and banks of the mouth of the Columbia are all of hard sand, and therefore not liable to shift, and being free from rocks are less dangerous. The land on each side of the mouth of the Columbia is high and makes a marked opening into the sea, and confines all the water of the river to one outlet, and, therefore, would seem easy of defense. There seems to be no points, islands or bays off the mouth of the Columbia to shelter an enemy's cruisers while lying in wait to capture vessels going in or coming out; while the New York harbor presents such shelters from an enemy. The winds at the mouth of the Columbia are marked *regular* and *steady*, blowing six months one way, and six months another; while the winds at New York are entirely variable, and cannot be calculated upon by the mariner for any time. The mouth of the Columbia is free from ice, and also from great heat, the temperature never falling below the freezing point, nor raising above the summer warmth. The current of the river is said to be strong, but I cannot see that it offers any serious obstacles. The breakers on each side of the channel are said to be very great, but with a channel so wide, and a bar so narrow and free from rocks and shoals, these would be nothing to experienced mariners. Taking the mouth of the Columbia as it now is—in a state of nature—without the aid of pilots, buoys, beacons, lighthouses, and steam tow-boats, I deem it a good harbor; with the aid of these advantages, I would deem it a far better harbor than New York, and capable of containing an unlimited number of ships. In fact, I have never seen a large river with its waters so well enclosed by bold shores at its mouth, and making so commodious a bay, large enough to hold any number of ships; and at the same time small enough to be defended, and where there were more anchoring and sheltering places for ships, and where they could be close up to bold shores, and be better under the protection of forts and batteries.

JOHN MAGINN.

WASHINGTON CITY, April 26, 1846.

As the Provisional Government was in need of a seal to be attached to all legal documents, there was one made, and from the best and most reliable information that I can obtain, it is believed that Mr. Hamilton Campbell, formerly connected with the Methodist Mission, designed the one herewith presented. It was used during the years 1846-7 and a part of 1848, when it was superseded by one brought out by Judge J. Quinn Thornton. This seal when first used was known as the "Salmon Seal," consisting as the cut shows, of the word Oregon in a half circle, in the middle three sheaves of wheat, underneath a salmon, and although made at that early day it will be noticed that it was prophetic in regard to the natural resources of the country. The sheaves of wheat indicating agriculture, and the salmon, the then undeveloped resource of commercial wealth that have brought millions to the State and coast and spread the name of Oregon all over the civilized world.



The following letter was received by Gov. Abernethy from James Douglas, Chief Factor of the Hudson's Bay Company, which contained the first news of the Oregon treaty received in the Territory. Although meagre, it afforded great relief to the public mind, although not as explicit as it was wished.

FORT VANCOUVER, Nov. 3, 1846.

GEORGE ABERNETHY, ESQ.,

DEAR SIR: Very important news for all parties in Oregon has just been received by the barque *Toulon*, from the Sandwich Islands. It appears that the boundary question is finally and fully settled. This intelligence rests on the authority of Sir George Seymour, the British commander-in-chief in the Pacific, and I think may be relied on. I forward a copy of Sir George's communication on the subject to our agent at Sandwich Islands. The British Government has surrendered more than strict justice required; but John Bull is generous, and was bound to be something more than just to his promising son Jonathan, who will no doubt make a good use of the gift. At all events, I am glad to see this vexing question settled so quietly. The Hudson's Bay Company is fully protected in all its interests.

Yours truly
James Douglas

[COPY.]

Extract from a private letter of A. Forbes, Esq., Consul at Tepic, to Sir George Seymour:

"I send you an American newspaper which Mr. Beckhead has requested to be forwarded to you, and which shows that the Oregon question is entirely settled; the 49th degree is to run on the Straits of Fuca, the whole island of Vancouver being left in the possession of England, and the said Straits of Fuca, Puget's Sounds, &c., remaining free to both parties. The Columbia river is also free to both parties until the expiration of the charter of the Hudson's Bay Company, when the whole to the south of the 49th degree is to belong to America, with the exception mentioned."

NOTES.—The Postmaster General (of Oregon), contracted with Mr. Hugh Burns, to carry the mail from Oregon City to Weston, Missouri, one trip at fifty cents per letter. Mr. Burns receiving twenty-five per cent. on the amount of postage that the department receives for sending letters east, and only fifty cents can be charged for a single letter.

H. M. Frigate *Fishgard* (at Vancouver), 42 guns. Captain, J. A. Duntre; Lieutenants, John Rodd, Charles Dyke, Geo. Y. Patterson, Edward W. Lany, Edward D. Ashe; Marines, Lieuts. Henry H. McCarthy, Fleetwood J. Richards; Master, Edmund P. Cole; Chaplain, Robert Thompson; Surgeon, Thos. R. Dunn; Purser, Thos. Rowe; Second Master, James Crosby; Instructor, Robert M. Jaship; fourteen midshipmen; crew, 350 men.

The Hudson's Bay Company built and launched a sailing vessel at Vancouver, in June, 1846, of the following dimensions: Length, 76 feet over all, breadth of beam 18, 14 feet below, and registered 74 tons.

On June 21, 1846, Dr. John E. Long, Secretary of Territory, was drowned in the Clackamas river. He was a physician by profession; came to the United States from England in 1833, and to Oregon in 1843. He took a firm and decided stand in favor of establishing the Provisional Government.

June 25, 1846, Jesse Applegate, David Goff, B. F. Burch, John Owen, J. Jones, W. Sportsman, B. Ausbuan, Robert Smith, Lindsey Applegate, and Mr. Goodhue, started to survey a route for emigrants through Southern Oregon.

A slight disturbance took place between the Molalla Indians and the white settlers on the Molalla creek about the first of July. Col. James Finley with a company of volunteers went to the scene of trouble, but their services were not needed.

The citizens celebrated 4th of July at Salem, in a becoming style. Capt. Bennett's company paraded; the oration was delivered by W. G. T'Vault, and Joseph Smith, who afterwards was Representative to Congress, read the Declaration of Independence. I am told that one of the toasts at the barbecue dinner was:

"Salem for beauty, Champoeg for pride,
If not for salmon, Oregon City would have died."

The U. S. Schooner *Shark* arrived in the Columbia, July 18, 1846. Her officers were Lieut. Com'dg. Neil M. Howison; Lieut. W. S. Schenck; Acting Master, Jas. D. Bullock; Acting Purser, Wm. S. Hollins; Asst. Surgeon, Edward Hudson; Past Midshipman, T. McLanahan; Midshipmen, T. J. Sirens, H. Davidson.

Thr *Spectator* of Aug. 6th, says that there were lately two cases of trouble with the Indians. One in Clatsop county in which an Indian was killed, and in Champoeg county, with some Walla Walla Indians, in which twc were murdered by whites for stealing cattle. The editor, H. A. G. Lee, reads the people a severe lecture for not first calling on the Governor. It afterwards turned out that the Clatsop Indian tried to kill a white man by the name of Owens while arresting him, and Mr. Owens shot him.

The following is the estimate of the amount of wheat raised in 1846 in the Willamette valley: Champoeg county, 60,000 bushels: Tualitin, 30,000; Yamhill, 20,000; Polk, 15,000; Clackamas, Vancouver, Clatsop and Lewis, 15,000,—total 150,000 bushels.

John H. Couch was appointed treasurer vice Francis Ermatinger resigned, March 4, 1846. Fredrick Prigg appointed Secretary of Territory vice J. E. Long, deceased, June 26, 1846. Theopolis M'Gruder elected Territorial Recorder by the Legislature, Dec. 8, 1846.

Election Returns for 1846.

Candidates.	Clackamas	Polk	Vancouver	Tuality*.....	Champoic ..	Clatsop.......	Yamhill.....
Representatives—							
Hiram Straight	101						
A. L. Lovejoy	90						
W. G. T'Vault	73						
Sheriff—							
William Holmes	90						
Treasurer—							
John H. Couch	95						
Assessor—							
S. W. Moss	24						
Representatives—*							
J. E. Williams		37					
John D. Boon		30					
J. M'Nary		21					
J. C. Avery		9					
Representative—							
Henry N. Peers			45				
Treasurer—							
Thomas Lowe			45				
Sheriff—							
George Aitken			33				
Representatives—*							
J. L. Meek				90			
D. H. Lownsdale				65			
Lawrence Hall				83			
Representatives—							
A. Chamberlain					112		
Angus M'Donald					116		
Wm. J. Bailey					57		
Robert Newell					115		
L. N. English					65		
Jesse Looney					199		
W. H. Willson					68		
T. D. Keizer					85		
A. J. Davis					46		
W. B. Howell					1		
Treasurer—							
W. P. Hughes					139		
Sheriff—							
Wm. Martin					185		
Wm. Howell					21		
Assessor—							
J. C. Fruit					15		
James Powell					13		
Representative—*							
George Simmons						14	
Representatives—							
A. J. Hembree							66
Thomas Jefferys							67
C. M. Walker							52
D. Rizley							35
Sidney Smith							25
Sheriff—							
J. G. Baker							98
Henry Hill							21
Assessor—							
Wm. Newby							58
Abj. Hendrick							35

*No returns for county officers or vote on election of Circuit Judges from counties indicated by *

For Legislature to elect Judges: Champoic, 10; Yamhill, 5; Clackamas, 12; total, 27. People to elect Judges, Champoic, 154; Yamhill, 97; Clackamas, 67; total 318. Counties not voting on this question, Polk, Vancouver, Clatsop and Tuality.

Treasurer's Report.

Amounts due on appropriations of 1844 and 1845, December 1846—

Balance of appropriation for pay of Legislature	$ 25 00	
Balance due for pay of jurors	54 90	
Contingent expenses of the House	43 79	
Expenses of supreme and criminal courts	80 00	
Governor's salary—whole amount paid ending his last quarter, October, 1846	80 00	
Judge of supreme court, quarter ending, December 6, 1846	50 00	
Judge of criminal court, quarter ending December 6, 1846	50 00	
Circuit attorney, quarter ending September 12, 1846	136 13	
Superintendent of Indian affairs	50 00	
		$389 82

Paid of the above up to date—

P. H. Burnett, Dec. 8th. one-quarter's salary, supreme Judge	$ 50 00	
P. H. Burnett, Dec. 8th, one quarter's salary, criminal judge	50 00	
		$100 00
Balance due		$289 82

December 9, 1846. Signed: JOHN P. BROOKS,
Deputy Treasurer.

Treasurer's Report.—State of the Treasury, December, 1846.

FUNDS ON HAND.

Amount due by George Abernethy per account	$ 81 54
Amount due by John H. Couch, per account	16 92
Amount due by F. W. Pettygrove, per account	11 27
Amount due by Hudson's Bay Co. (Vancouver)	16 42
Total	$126 15

LIABILITIES.

Amount due Hudson's Bay Co. (Vancouver)	$ 140 94	
Amount collected estate of Ewing Young	2,815 00	
Amount scrip outstanding at this date not paid	1,879 64	
		$4,835 58

Receipts since December 1, 1846, to date—

Taxes from J. R. Jackson, sheriff Lewis county	$ 34 58	
Taxes from J. R. Jackson, sheriff Vancouver county	57 73	
Taxes from Wm. Holmes, sheriff Clackamas county	115 00	
License paid by R. K. Payne	100 00	
License paid by H. M. Winslow	100 00	
Absentee taxes paid by J. R. Jackson, Vancouver county	10 00	
Total	$ 407 31	
Interest on scrip	3 59	
		$ 403 72
Balance liabilities		$4,431 86

The receipts since December 1, 1846, have been paid me wholly in scrip.

Signed: JOHN P. BROOK,
December 9, 1846. *Deputy Treasurer.*

1847.

ABERNETHY'S RE-ELECTION; PUBLIC MEETINGS; FIRST NEWS OF THE NOTICE TO ENGLAND AND THE TREATY; INDIAN TROUBLE AT THE DALLES; J. QUINN THORNTON GOES TO WASHINGTON; LETTER TO THE PRESIDENT; NESMITH'S RESOLUTIONS; LETTER OF ABERNETHY IN REGARD TO THEM; A BILL TO ORGANIZE OREGON TERRITORY; OFFICERS OF PROVISIONAL GOVERNMENT, ETC.; GOVERNOR ABERNETHY'S MESSAGE; BUCHANAN'S LETTER TO SHIVELY; BENTON'S LETTER TO THE CITIZENS OF OREGON; DOUGLASS' BILL TO ESTABLISH A TERRITORIAL GOVERNMENT; NOTES; ELECTION RETURNS AND REPORTS OF OFFICERS; CAYUSE WAR.

THE year opened with general prosperity for all the settlers in Oregon. Crops were abundant with a good prospective market, created by the large emigration that was confidently expected in the fall to increase the demand for supplies. There were also to be elected a Governor and other officers besides the members of the Legislature; consequently there was more interest taken in politics than at any previous time. It was known that Governor Abernethy was a candidate for re-election, and as he had proved himself a conscientious and conservative officer, it was almost a foregone conclusion that he would succeed himself. Still there was quite a number of the people who desired that there should be some one elected who was not connected with the dominant church (the Methodist Mission), as they conceived, whether with good grounds or not is uncertain, that this church was inclined to run the political as well as the religious affairs of the community. The non-sectarian element cast about for a candidate and selected Hon. A. Lawrence Lovejoy as their strongest man to compete with Governor Abernethy. It was expected that the Hudson's Bay Company would throw all of their influence for Mr. Lovejoy, and that he, of course, would control the Catholic vote, which, combined with all who did not affiliate with the Methodists, would elect their candidate, and thus retire that church from politics to its legitimate calling of preaching and teaching. The canvas was conducted with spirit, but not as much acrimony as could be expected, but with enough to cause some of the non-church members to vote for Abernethy instead of Lovejoy, as they considered of the two churches they preferred to live under the Methodist, which was a distinctively American institution (so to speak), while the Catholic was composed so largely of foreigners, that it might be called a foreign church. Still, if a third candidate had not appeared in the person of Mr. W. Huested, Mr. Lovejoy would undoubtedly have been elected. The following of the new aspirant was small, but enough to defeat Mr. Lovejoy. The vote cast was: Abernethy, 536; Lovejoy, 520; Huested, 11; scattering 7; total, 1074—Abernethy, 536; against him, 538. In regard to the legislative and other candidates, there was little interest taken.

The news of the passage of the notice bill to England of the cessation of joint occupancy, caused great rejoicing throughout the territory. This raised the question of the propriety of sending a delegate to Washington to represent the interests of the territory as a lobby member, as no news of the treaty which had already been made between the two Governments had been received. This delegate was to ask Congress to allow all who had settled on land to hold the same according to the boundaries they had recorded in compliance with their own law, and not to confine them to section lines and subdivisions. They also wished to co-operate with the scheme of building a railroad across the continent to the Pacific ocean, and the delegate would bear a memorial, signed by the people generally, who had passed over the route, treating of its practibility. They also wished a mail route established, and the Columbia and Willamette rivers improved, so that commerce would be fostered. To set the ball in motion, a public meeting was held at Oregon City, September 26th, which is here copied in full from the *Spectator*, October 1st.

A meeting of the citizens of Oregon, for the purpose of taking into consideration, subjects concerning their interest and welfare, was holden at the City Hotel on Saturday evening, September 26th. The assembly was called to order by A. L. Lovejoy, Esq., whereupon Col. Wm. Finley was called to the chair, and Geo. L. Curry was appointed secretary; after which, Mr. Lovejoy, with some remarks presented the following preamble and resolution, which was adopted:

WHEREAS, The citizens of Oregon territory are fully convinced of the great importance of a national railroad across the Rocky mountains to this country, and cannot in justice to themselves forbear the first opportunity offered to express to the Congress of the United States, the high admiration in which they hold so magnificent an enterprise. To commend such a project to that Government, it would seem to be sufficient for the citizens of Oregon who have mostly crossed the Rocky mountains, to state in general terms, that the route for such a project is feasible to insure it the favorable consideration of that Government, or at least have great weight in establishing a link which will complete a great central chain of inland communication, connecting the waters of the Atlantic ocean with those of the Pacific, contributing thereby, in various ways, wonderfully to facilitate commerce and travel, to elevate and enrich this country, to consolidate national sentiment, and to strengthen the ties which bind the states together as a political union, therefore

Resolved, That a due regard for the public interest, as connected with this great measure, requires that a committee of five be appointed by this meeting to take into consideration the propriety of devising some means, whereby a general expression of opinion from the people in this territory can be had, relative to memorializing Congress on this and any other subject.

The following named gentlemen were appointed the committee according to the resolution: Messrs. Lovejoy, Colwell, Taylor, McCarver and T'Vault.

Mr. N. W. Colwell after addressing the meeting, submitted the subjoined resolution. which was adopted:

Resolved, That it is expedient for the inhabitants of this territory to examine into the subject relating to the extent and most equitable manner in which grants of land should be made to the early settlers of this country, and after they have determined thereupon, they ought to memorialize Congress to sanction the same.

General McCarver, with some remarks then introduced the following resolution:

Resolved, That it is the wish of this meeting that measures be taken to communicate with our Government at as early a period as practicable, and that to effect this object, we believe that primary meetings should be held in each county in Oregon, and that delegates be sent to a general meeting to be holden at Oregon City, on the first Monday of November next, to consider all measures which relate to our interest, and we would suggest the propriety of sending at least as many delegates as the county is entitled to representatives.

Mr. P. G. Stewart, after an expression of his views, moved to amend the resolution so as to instruct the delegates to draft a memorial to Congress.

W. G. T'Vault, Esq., moved the subjoined amendment to the amendment, which, after he had addressed the meeting, was decided in the affirmative. The resolution as amended was then adopted.

Resolved, That we do believe that it becomes our duty as citizens of the United States resident in Oregon, to memorialize or petition Congress upon the subject of our great wants, and for the purpose of obtaining perfect unanimity, we propose to hold a convention in Oregon City, on the first Monday in November next, for the purpose of drafting petitions or memorials to be circulated for the people to sign, and to devise ways and means of forwarding the same, whether by delegate or otherwise, and that the citizens be requested to hold meetings in the several counties for that purpose.

Mr. D. Stewart, with a few remarks, offered the following resolution, which was adopted.

Resolved, That one subject of the memorial be, that nothing short of 54° 40′ north latitude be made the boundary of Oregon territory on the north.

It was then, on motion, voted that the proceedings of this meeting be signed by the chairman and secretary, and published in the *Oregon Spectator*.

The meeting then adjourned to meet again on Saturday evening, the 10th day of October next, to choose delegates to the convention, &c. &c.

WM. FINLEY, *Chairman*.

GEO. L. CURRY, *Secretary*.

The committee to call a general meeting submitted the following:

TO THE CITIZENS OF OREGON TERRITORY.

At a meeting of the citizens of Clackamas county, held on the evening of the 26th instant, for the purpose of taking into consideration subjects affecting the general interests of the territory, the undersigned were appointed a committee to devise means whereby an expression of public opinion might be obtained in relation to memorializing or petitioning the General Government concerning the wants of the country. At that meeting it was determined to hold a convention of delegates, to be elected from the several counties, to meet in Oregon City, on the first Monday in November next, to decide upon the best method of communicating our desires to Congress. Accordingly, in furtherance of this object, the undersigned would most respectfully urge upon the citizens of the several counties the propriety and necessity of holding meetings at as early a day as practicable, to select delegates to attend said convention. The committee, feeling sensibly that the citizens of the territory generally, are well aware of the importance of this movement, do not, therefore deem it requisite to enter into any argument to establish the same. Hoping for prompt and unanimous action, the committee remain very respectfully,

A. L. LOVEJOY,
N. W. COLWELL,
J. TAYLOR,
M. M. McCARVER,
W. G. T'VAULT.

OREGON CITY, September 29, 1846.

At the time appointed only three counties sent delegates to the convention: Champoeg—W. J. Bailey, F. Bernia, Joseph Barnaby and J. Sanders, all residing in the lower part of the county; Tualatin—Hugh Burns and Robert Moore; Clackamas—Philip Foster, Samuel McSwain, H. Wright, H. M. Knighton, S. S. White and J. McCormack. After a stormy session of a few hours, the convention adjourned without accomplishing anything, and the matter dropped.

A few days after this meeting, the news came that a treaty had been made, but the result did not give general satisfaction, especially that portion in regard to the Hudson's Bay Company's claims of land and posts, as they all knew that the Government would be swindled out of an immense sum of money. The news was also received that the President had a full list of territorial officers made out, which fact did not accord with the independent and self-governing spirit of the people. They had selected their own officers for so long a time, they preferred to continue in that privilege rather than to be governed by imported officials who had no interest in common with them. The subject of sending a delegate was again agitated, or rather, to memorialize the President, requesting the appointment of officers from among the citizens of Oregon. A convention was called to meet at the new town of Lafayette, but they were unable to settle among themselves who to recommend, but finally appointed a committe of three, consisting of

P. H. Burnett, Geo. L. Curry and A. L. Rice to draught a memorial to Congress setting forth the wishes of the people of Oregon, and to obtain signatures to the same, and send it to the states by Captain Roland Galston of the bark *Whiton*, which was soon to sail for California, and from there to be forwarded as occasion occurred, and thus the matter rested.

Another cause of uneasiness was the hostile attitude that the Indians were assuming, especially on the east side of the mountains. The mutterings of hostilities soon broke out into open war, not with the Wascopams, but with the Cayuse tribe as will be narrated further on.

On August 22, 1847, the first wagons of the emigration arrived at The Dalles accompanied by ten men. It seems that the Indians stole some animals that night, and the next day the emigrants retaliated by taking some of the Indians stock through the advice of Rev. A. F. Waller, who lived at that place as missionary. To this the Indians objected, and the affair culminated in a fight, in which a Mr. Sheppard was killed, and Messrs. Parker and Aram were wounded; the principal chief of the Indians (Wascopams) was killed, and several wounded. Mr. Waller took Mr. Parker to his house and cared for him, while Mr. Aram made his way across the mountains and arrived at Oregon City.

Governor Abernethy, who was superintendent of Indian Affairs went to The Dalles and succeeded in making a settlement with the Indians. But he found that all the Indian tribes along the Columbia river up to the Cayuse tribe were badly disposed towards the Americans or "Bostons." This animosity affected the Nez Perces who were affiliated with the Cayuses by inter-marriage and culminated in the massacre of Dr. Whitman and several others in October following.

Mr. John M. Shively arrived the next day with papers and commissions for Cornelius Gilliam, as superintendent of postoffice department; David Hill as post master at Oregon City, and J. M. Shively for Astoria; Chas. E. Pickett as Indian Agent for the Territory. Mr. Pickett at this time was residing in California.

> "In the spring of 1847, some Nez Perces Indians annoyed Mr. Spalding in such a way as to prove fatal to his usefulness for a time, but as the season advanced a more frendly feeling was shown, the chiefs professing to deplore the conduct of the 'infidel party,' and earnestly desiring Mr. Spalding to remain with them. Dr. Whitman had some misgivings as to his safety, in regard to which he consulted with Dr. John McLoughlin, and in the spring of 1847 urged Hon. J. Quinn Thornton to go to Washington to urge the establishment of a Territorrial government, as the only means of saving his mission from the murderous hands of the savages; yet, on the whole he thought that affairs were favorable, and gave promise of continued prosperity, so that he was preparing to erect a church and other buildings." —*Oregon Missions p. 48.*

As there was no law authorizing the sending of a delegate, it was determined by a few, that some individual should go and urge Congress to take prompt action, especially as the Methodist Mission was becoming uneasy about their claim in regard to the Abernethy island at the Willamette falls or Oregon City.. An arrangement was made with Judge J. Quinn Thornton by Gov. Abernethy, M. M. McCarver and Samuel Parker, the latter two executing a joint note to Thornton for $300, and a draft on the treasury of the Methodist Missionary society in New York city for $150 by Rev. George Gay for his expenses, and about fifty barrels of flour were contributed by Noyes Smith to be sold in San Francisco by Thornton as part of his expenses. Judge Thornton then resigned his office as Supreme Judge of Oregon, and took passage on the *Whiton*, Oct. 19, 1847, for San Francisco, just eight days before Dr. Whitman was massacred, and bearing the following letter to the President.

OREGON CITY, Oct. 14, 1847.

SIR: I think it would be well for us, an individual people, without authority, to send a delegate to the Congress of the United States to represent our interest, under the present circumstances; but we cannot claim the jurisdiction of our Government, as our Government has not been extended over us. Neither can we send a minister to represent our Government, as we are but a temporary fixture, expecting every few months to come under the permanent Government of the United States. Placed in this predicament we have sent petitions and memorials to Congress, but thus far without much effect. Your Excellency has been pleased to manifest a deep and untiring interest in our affairs, for which we, as a people, feel very grateful. But you cannot as a matter of course, fully understand our wants as no person has been present to represent our case. It seems necessary for some one who has resided here, and who is somewhat acquainted with its wants and resources to visit Washington. I cannot but believe you would feel relieved from uncertainty, in having near you a gentleman of education and veracity, whom you could rely upon for information, as to facts at least.

The bearer, J. Quinn Thornton, Judge of the Supreme Court, has consented to go to Washington at his own expense, but it is hoped that the Government of the United States will in some way compensate him. And I think that I may be permitted to express the hope that your Excellency would not deem it inconsistent with the public welfare to appoint him to some office, the salary connected with which will in some degree enable him to realize the just expectations. If, as it has been stated by some, you intend filling the offices of this Territory with the residents of Oregon (except the Governor). I know of no man in the Territory better qualified to fill one of the judgeships than Mr. Thornton.

During the three years past, the Indians have become alarmed at the number of Americans that have come to Oregon, and as they are pushed into smaller space, without selling their lands, they are becoming dissatisfied and want pay for their lands. Some persons have paid them, while others will not. Last summer, the Indians in the lower country, told a farmer that he must pay them a certain sum for land, and they were not pacified until I could be sent for. I immediately went and met the Indians; they appeared, and wanted recompense for their lands and their expectations are pretty high. We told them certain officers would be on here in the fall, and I quieted them with the thrice told tale; then they could invite him, as he will come when the emigrants come in the fall to look after their interests. We asked them what we should do? Told them next fall you will be paid." They said, "You told us so before. We are dying off and soon will be all gone, and then we shall get no pay or government blankets." How I shall appease them, I do not know. I am in hopes Mr. [Roth] will arrive here if he has an appointment as Indian agent, and relieve us in some manner. The above is our condition in the settled parts of our land. Where bands of Indians reside, if they get no pay, they perhaps will steal horses or cattle, and in return, some of them may get shot, and lead us all into trouble. A war with the Indians, you know may be a very troublesome affair.

This fall a skirmish took place at The Dalles, between four emigrants who were a short distance ahead of the wagons, and a party of Indians, and it is believed a white man was killed, and one Indian and also an Indian chief. The Indians are very numerous and hostile to the missionaries residing there. They sent for me to come and settle the difficulty. I found that nothing had been taken, except a few articles of not much value, and insisted on having four cows and some provisions provided them, to pay for the chief, I told them one white man had been killed and one wounded, therefore it would not be right to pay anything as the Indian custom of settling differences is by accepting presents which prevent hostilities. I proposed to give them one cow and some provisions, if they would give me four good horses. After some delay, they agreed to this and the difficulty was settled. They promised not to molest the Americans in any way; and if any property was stolen in their neighborhood, to make immediate reparation.

I had not much more than returned to the Willamette, before I heard the Indians on the Columbia, near John Day's river, had robbed three wagons. Our people will come in small parties, and unless a *scout patrol* party is kept up on the river while the emigrants are coming in, they will be insulted, and their teams stolen from them, and sometimes wagons robbed. A few mounted men would keep them quiet and give security while the emigrants were passing through their country, which is about 200 miles from the place of entering the mountains.

I would make a few suggestions. Should you deem it proper to confer with Judge Thornton, he will be able to give more information upon subjects connected with this country than it will be possible for me to give in a written communication. I may mention some few items. And here let me say the last visit to The Dalles and the Methodist mission, as the importance of the situation is made by our government a contingency, the Superintendent of Indian Affairs, thought the United States Government would refund the expense, as it was important to protect American interests and allay the excitement in that distant quarter. With regard to our wants:

A recognition of all our legislative and judicial acts that are not inconsistent with the laws which may be passed on organizing a government here. Grants of land to settlers, land for educational purposes. Appropriations for the transportation of mails in Oregon and to Oregon (we have postmasters and an agent, but no mail). A good steamer at the mouth of the Columbia river to tow vessels in and out, and a few buoys are wanted, as soon as possible, at all seasons of the year. The erection and maintenance of a naval depot will be mentioned in the items and projects of the Government engineers whether a good point can be furnished at the mouth of the river, and supplies can be furnished for the navy in a very few years. That a permanent surveying and laying out of a road from the Western States to

Oregon, as a great amount of property is annually lost in consequence of the badness of the road. An appropriation for the opening and improving such a road, would be of great benefit to American citizens coming this way. We are under the impression that a steamer is to ply between Panama and the Columbia river, touching at California. This would bring us into the civilized world once more.

Two weeks ago, we were gratified with the receipt of your message delivered in December, 1846. We saw extracts from the message in California and Sandwich Island papers, but not the message itself in full until last month. We are very anxious to know what Congress is doing in Washington, as we feel very much interested in the proceedings. I take the liberty of troubling you with a letter, and shall close by reminding you of this as a private citizen and not as Governor of Oregon Territory, because my intentions would be misconstrued.

I have the honor to be &c.

GEO. ABERNETHY.

To his Excellency,

JAMES K. POLK, *President United States.*

The sudden departure of Judge Thornton created some surprise and various rumors soon began to spread, that he and those who paid his expenses were to obtain all, or at least, the best offices in the territory. The Legislature met on the first of December, and J. W. Nesmith, who was a personal enemy of Thornton, introduced "a resolution for sending the remonstrance of the house to the President of the United States, against the appointment of J. Quinn Thornton to any office in this territory." The ill-feeling between Nesmith and Thornton was caused by some letters which the latter had published in the *Spectator*, in regard to David Goff, Nesmith's father-in-law, stating that he persuaded the emigrants to take the southern route, thus subjecting them to great hardship. The resolution was adopted, afterwards reconsidered, and finally defeated by a tie vote, after a somewhat heated debate, some claiming that it was merely an individual affair, and it was preposterous to pass such resolutions on an individual act. The entire delegation from Clackamas, Messrs. Crawford, White and Wair voted against them.

On December 28th, after the resolutions had been published, Governor Abernethy wrote the following letter to President Polk, asking assistance after the massacre of Dr. Whitman, which was sent by J. L. Meek, special messenger to Washington, across the plains:

OREGON CITY, December 28, 1847.

SIR: Herewith I beg leave to hand your excellency two papers, which will give you some idea of our situation with the Indians of this territory. We are in hopes that our present distress will cause Congress to act in our behalf.

Some resolutions against J. Quinn Thornton appeared in one of the papers; these resolutions the board did not wish published, but the editor was determined to lay them before the public that they might have an influence, I presume, at Washington. Mr. Thornton's lady resides in our city, and to save her feelings is one cause why the board did not desire the resolutions published, which were lost in the house and made public through the paper. These resolutions were introduced by a personal enemy and seconded by another, who even last summer challenged Judge Thornton, and the second one was to second the challenge, which the Judge very properly paid no attention to. I am happy to say the members from the county where the Judge resided nearly all the time he was in this country, voted against the resolutions, viz.: Messrs. Crawford, Wair and White. Some of those who voted for them never saw the Judge, and all they knew of him was from hearsay evidence, and that from those who were anxious to have the resolutions pass. A great number here want office; they came here for that purpose, I believe; though they say *no*, still they hope to get in.

I feel it a duty to make these few remarks, and hope you will excuse the liberty I have taken. I feel certain there will be a great effort made to destroy Judge Thornton at Washington, and hope, with many fellow-citizens the effort may not succeed. I remain your obedient servant,

To His Excellency, GEORGE ABERNETHY.
JAMES K. POLK, *President of the United States.*

For the publication of these resolutions Mr. Curry was removed from the editorial charge of the *Spectator*, and Mr. A. E. Wait, was appointed.

Judge Thornton, unconscious of this uproar, proceeded to San Francisco, where he sold the flour, furnished as part pay of his expenses. The *Whiton* then sailed to San Jose, and Lieutenant Bartlett, of the sloop-of-war *Portsmouth*, which happened to be stationed at that place, came aboard to pay his respects to the captain of the *Whiton*, and learning that Judge Thornton was desirous of getting to Washington as soon as possible, reported the circumstances to Capt. J. B. Montgomery, who immediately invited the Judge on board, and gave him a free passage to Boston, where he arrived on May 8, 1848. On the 11th he arrived at Washington, and Senator Douglas introduced him to President Polk, who listened eagerly for news from Oregon. Other interviews were appointed with the President, and at his suggestion Mr. Thornton prepared a memorial to Congress setting forth all the important facts relative to his country, and the wants and necessities of the people; especially their desire for organization and protection under the general Government. This memorial was presented by Senator Benton to the Senate, was ordered printed and was received with general favor.

Judge Thornton proceeded to draw up a land bill conforming, as nearly as possible, to the measures relating to settlement on public lands in Oregon that had been adopted by the Provisional Government, in the absence of any congressional action. In view of the implied promises of Congress, made to secure immigration and settlement of Oregon by Americans during the period of joint occupancy, and which resulted in deciding the question of ownership to a great degree, the provisional legislature had authorized the claiming of sections of land by actual settlers, who were heads of families. This was confirmed by the passage of the donation land act. This bill and amendments to the bill for the admission of Oregon that he found pending, was the especial labor of the Oregon representative, for the pending bill lacked some points of importance to the settlers of Oregon.

All Congress was interested, the President was favorable, and this informal representative of the farthest northwest found himself, though without a dollar in his purse, treated in the most kindly and friendly manner. It is worth while to notice here the anomalous position Judge Thornton occupied and the singular interest that was taken in the Oregon of that day. It is possibly true that no single individual with so uncertain a position, representing a country so unformed and remote, has ever visited Washington claiming official recognition. It is certainly true that no one ever went there with so little regular claim to recognition who was accorded so universally not only a hearing, but the unanimous good will and support of all parties while the question at issue was so fraught with political disagreement. All that a dozen years later resulted in rebellion, secession and civil war, was roused to action by the Oregon bill, but Oregon itself commanded the unqualified respect and united support of all the contending partisans.

There was an anomaly in the case of Oregon that commanded the admiration of the world and secured for the representative of this region universal respect and attention. A handful of Americans, who seemed animated as much by patriotic as personal feeling, had taken their leave of civilized life, and with their household *penates* had crossed the wilderness of the mid-continent to make homes on the bank of the Oregon. Their presence had settled the dispute as to boundary, and had terminated the long period of joint occupancy. The world read of this immigration to the Pacific with almost reverence for the few who had dared so much and had reclaimed the beautiful region on the Pacific, not only from savagery, but from British rule and occupation. The advent in Washington of one of these greater than Argonauts, as a representative of his fellow Oregonians, who had only in time reached the national capital by half circumnavigating the entire world; the fact of a growing community so remote from trade that they had no money and had only actual barter and exchange of products to depend on—all this cast a glamour of romance over the much voyaging representative of far-off Oregon, and made his presence at Washington not only a welcome event, but gave him influence and personal magnetism and power that—most fortunately for Oregon—he proved himself wise enough to use to good advantage.

Such was the condition of affairs at the national capital when the Oregon bill came up for consideration and action. But when the bill came up it was found to be a very apple of discord thrown into the national councils. It contained a clause prohibiting slavery that aroused the spirit of Calhoun to opposition and arrayed against it the whole south in a contest that was only ended as the gavel stroke told that the session was adjourned.

The people of Oregon had twice before that time voted down the slavery question. They had declared that slavery should not exist in Oregon. So in drawing up the Oregon bill, he had taken the anti-slavery clause from the ordinance of 1787, to faithfully represent the wishes of the people. The slavery interest made overtures to Judge Thornton to consent that the bill should remain silent on the subject, and promised unanimous support in case that was done, but he thoroughly knew the wishes of the people of Oregon, and the anti-slavery clause remained a part of the Oregon bill. The measure was attacked in the Senate by Jeff Davis and Foote of Mississippi, Butler and Calhoun of South Carolina, Mason of Virginia, and others of great note, and was as warmly defended by Houston of Texas, and Benton of Missouri, as well as by Douglas, Webster, Corwin, Dix and Collamer. It was a bone of contention for several weeks. Calhoun employed a morning session, until adjournment, with one of his most commanding efforts. He was clear, argumentative and logical; the Senate and the large audience were entranced by the force of his reasoning, and when he closed, silence reigned for some time, and was only broken by the motion to adjourn.

The bill passed the Senate by a close vote and went to the House, where the storm of fiery opposition broke out afresh. But it passed there, also, in the course of time, and came back to the Senate with some unimportant amendments towards the close of the session. Then its opponents rallied again and undertook to kill it by delay, using every possible expedient known in parliamentary warfare to insure its defeat, and on this ground the battle was fought over again. Tom Corwin supported the bill in one of his most telling efforts, and Tom was not particularly tender towards the slavery interest, even in his best moods. It was after hearing this speech that Father Ritchie, as they passed out of the Senate chamber, said to Thornton: "A few speeches such as that would dissolve the Union."

Congress was to adjourn Monday, August 14, 1848. It was Saturday the 12th, and the Oregon bill was under discussion, when Butler of South Carolina, moved to go into executive session.

On Saturday, the bill being before the Senate for final action on the House amendments, the friends of the measure were resolved to vote down every motion to adjourn until the bill should pass. Adjournment was to take place on Monday, at noon; the scene between Butler and Benton occurred Saturday night at 10 o'clock; when it was over, Foote arose and announced his intention to keep the floor until Monday noon, the hour of final adjournment. He commenced with scriptural history and continued until two hours after sunrise Sunday morning, only giving away to motions for adjournment. The friends of the Oregon bill were in the adjoining room, with a page on guard, who gave notice of each motion to adjourn, when they filed out and voted it down. Sunday morning the opposition had tired themselves out, and gave up the game. Foote was silenced by his friends, who became tired of their own folly. The bill passed, though by only a small vote, and even the support of a number of pro-slavery Senators was necessary to its success. The organization of Oregon Territory was provided for, including in its limits what is now known as Utah, Idaho, and Washington—in fact, all territory west of the Rocky mountains not included in California.

Mr. Thornton called on Calhoun, who was one of the Senate committee who had the bill in charge, and in several interviews won his personal friendship and his earnest support in framing the bill to suit the interests of the people of Oregon. All the pro-slavery element seemed to feel friendly to Thornton personally, and made that fact manifest. He had great pleasure in the acquaintance he formed with the "Godlike Daniel"—Senator Webster. The distinguished Senator from Massachusetts extended his kind regards and an unlimited promise to forward to the fullest all that Thornton desired to accomplish for Oregon. Tom Corwin was especially a champion of the Oregon bill. He gave Thornton warm personal support, as well as stood manfully up for Oregon and Oregonians.

The power of the northern press never was more evident than at that time. Thornton's presence was announced by many correspondents, and his movements heralded as of importance. He embodied a principle, and was fortunately able to present it free from personal antagonism and entanglement. It was a time when public men took sides and no half-way views were possible. The northern "doughface" got his distinctive name at that time, and the long struggle grew fierce and hot that was to culminate in secession and civil war.

In this bill there was the sum of $10,000 voted to the President to be used in paying the expenses of the messenger, and it was understood by all that Thornton was to be liberally paid his expenses. During this time the treaty in regard to the Oregon boundary line was being considered by the two nations, and Sir George Simpson, Governor of the Hudson's Bay Company, was in the city, endeavoring to get the United States to pay his company $3,000,000 for their possessions in Oregon, and he had $75,000 to facilitate the sale of their Oregon interests. President Polk's private secretary, Maj. Knox Walker introduced Geo. N. Sanders to Judge Thornton, who made an offer of $25,000 if he would write a note to each of two cabinet officers who were opposed to paying the company anything, although the President and the rest of the cabinet were in favor of allowing that sum, and in that condition the treaty was sent to the Senate for confirmation. In the meantime Walker had talked with Joe Meek, who had lately arrived from Oregon as special messenger, who stated that the possessions were worth that amount. Walker also told Meek about offering the bribe to Thornton, and Meek in turn mentioned it to several members of Congress and the correspondent of the *N. Y. Herald*, who published the whole matter. This caused some excitement and the Senate rejected that portion of the treaty. Thus, unwittingly, Meek saved $3,000,000 to the treasury—less $650,000 that was awarded sometime afterwards by a commission.

After the passage of the Oregon bill, Judge Thornton applied to the President for some of the appropriation, but was flatly refused. Mr. Thornton then applied to Senator Douglas to call upon the President, which he did, and he was in turn refused. Finally Mr. Douglas remarked that he would pay Thornton's expenses to remain until Congress convened again and would have a committee appointed to investigate charges that he would bring. On this, the President asked him to call the next day, which was done, and Thornton received $2,750 but he did not receive the appointment as one of the Judges in the territory.

The year 1847, was one of remarkable prosperity as far as the material condition of the people was concerned, and as a very large immigration had arrived, and the boundary question had been settled, high hopes were entertained that a Territorial Government would soon be established by the General Government.

The Provisional Legislature met at the usual date as they supposed for the last time with the following Territorial officers and members of the Legislature:

Officers of the Provisional Government.—1847.

Governor,—George Abernethy; *Secretary of Territory*,—Frederick Prigg; *Territorial Recorder*,—Theopilus McGruder; *Postmaster General*,—Wm. G. T'Vault.

The Legislature met at Oregon City, Dec. 7. 1847.

Champoeg county—Wm. H. Rector, W. H. Reese, A. Chamberlain, Anderson Cox, and Robert Newell; *Clackamas*—M. Crawford, J. M. Wair and S. S. White; *Polk*—J. W. Nesmith, M. A. Ford; *Yamhill* A. J. Hembree, L. Rogers; *Tuality*—R. Wilcox, D. Hill, J. L. Meek; *Clatsop*—J. Robinson; *Lewis*—S. Plamondeau; *Vancouver*—H. W. Peers. Mr. Peers did not attend during the session.

Speaker, Robert Newell; *Chief Clerk*, Calvin W. Cook; *Engrossing Clerk*, J. E. Lyle; *Sergeant-at-arms*, Wm. Holmes.

Governor Abernethy sent in his message from which I make the following excerpta:

"Contrary to the expectation of all who reside in this Territory, you are again convened under the *Provisional Government* of Oregon. After learning that the boundary line question was settled, there was hardly a doubt resting in the mind of any individual with regard to the extension of the jurisdiction of the United States over this Territory. We have been sadly disappointed, and hope, which was so fondly cherished, begins to sink into despair in the hearts of many. Our situation is not a pleasant one, on account of the uncertainty of it. We may be, in less than six months, under the laws and government of the United States; and we may, on the other hand, exist in our present state several years. This uncertainty will, no doubt, embarrass you in your proceedings. If we remain as we are for any length of time, ways and means must be devised for raising a more extensive revenue. The laws should be published in a convenient form; a fund set apart for treating with Indians, and many other things provided for, that we have thus far dispensed with, but which must be attended to, in order that we may carry out the principles under which we have associated.

This being the first session of the present Congress, they will have more time to devote to the formation of a government for this Territory, than at the last session. * * * These things lead to the hope that among the first acts of Congress, will be the passage of an act to establish a Territorial Government in Oregon.

In my message of 1845, I recommended that in addition to gold and silver, wheat should be the only article used in the country as a legal tender. The Legislature added treasury drafts, and orders on solvent merchants. I would recommend the repeal of that part of the act which makes treasury drafts and orders on solvent merchants a lawful tender, receiving treasury drafts, however, in payment of taxes and debts due the government. Gold and silver are much more plentiful in the Territory now, than two years ago, and could be made the only lawful tender without detriment to the community, still, I think wheat had better remain in connection with gold and silver; it is a staple article and can always be disposed of to merchants and others."

Our relation with the Indians becomes every year more embarrassing. They see the white man occupying their land, rapidly filling up the country, and they put in a claim for pay. They have been told that a chief would come out from the United States and treat with them for their lands. They have been told this so often that they begin to doubt the truth of it; at all events, they say he will not come until we are all dead, and then what good will blankets do us? We want something now. This leads to trouble between the settlers and the Indians about him. Some plan should be devised by which a fund could be raised and presents made to the Indians of sufficient value to keep them quiet until an agent arrives from the United States. A number of robberies have been committed by the Indians in the upper country upon the emigrants as they were passing through their territory. This should not be allowed to pass. An appropriation should be made by you, sufficient to enable the superintendent of Indian affairs to take a small party in the spring and demand restitution of the property, or its equivalent in horses. Without an appropriation a sufficient party could not be induced to go up there, as the trip is an expensive one.

The emigration the past season has been much larger than any preceding year, amounting to between four thousand and five thousand souls. They have all arrived in the settlements, unless a few families should still be at The Dalles and Cascades, and scattered themselves over the territory. The most of them are farmers and mechanics, and they add much to the future welfare and prosperity of Oregon.

During the past year we have been visited by a number of vessels, some of them drawing more water than the vessels which have usually visited us. I am happy to say they received full cargoes on board and crossed the bar in safety. The provisions of the pilot law have been carried out and its good effects are already visible. The able pilot at the mouth of the river has made himself thoroughly acquainted with the channels and currents, thus diminishing the dangers formerly attending vessels coming into the river. The time is not far distant when our river will be entered with more ease and facility than many of the ports of the United States on the Atlantic coast, and captains will wonder why the entrance was so much dreaded, forgetting that they are reaping the benefits of experience. * * * GEO. ABERNETHY.

OREGON CITY, December 7, 1847.

The Governor recommended that the office of Territorial Recorder be abolished, and the county recorders record all land claims, as the settlement was extending so far as to cause great expense and loss of time to go to the office of Territorial Recorder.

The Governor took strong ground against the liquor law and desired a prohibition law enacted instead.

The following letter written by Secretary of State Buchanan to J. M. Shively was circulated through the Territory:

DEPARTMENT OF STATE, WASHINGTON CITY, March 29, 1847.

SIR: On the eve of your departure for Oregon, the President has instructed me to communicate to you his views in regard to that Territory, so that you may make them known to its inhabitants. He deems you a suitable agent for this purpose, as you are now an officer of the United States, having been commissioned deputy postmaster at Astoria.

The President deeply regrets that Congress did not, at their last session, enact a law establishing a Territorial Government in Oregon. A bill for this purpose passed the House of Representatives on the 16th of January last by a vote of 133 to 35. It failed in the Senate, not ,as I am firmly convinced, for want of disposition on the part of a majority to provide a Government for that interesting portion of the Republic, but because other urgent and important business connected with the Mexican war did not allow the necessary time before the closing of their short session, to discuss and perfect its details. For this reason alone, it was laid upon the table on the day Congress finally adjourned. It is the intention of the President, in his message to Congress in December next, to reiterate his recommendation in regard to Oregon contained in his last annual message. No doubt is entertained that Congress will, at an early period after their meeting, create a Territorial Government for Oregon, extending over it our laws relating to trade and intercourse with the Indian tribes; establishing custom houses; making liberal grants of land to those bold and patriotic pioneers, who, amidst great privation and dangers, have established their settlements upon the soil.

An earnest of this is afforded by the recent act carrying into effect the recommendation of the President, so far as regards the extension of our postoffice laws and the grant of mail facilities to our fellow citizens in Oregon. This will appear from a certified copy now furnished you, of part of the first section, and of the second, sixth and seventh sections of the act, approved March 3, 1847, "to establish certain post routes and for other purposes." I am authorized by the Postmaster-General to assure you that all the provisions contained in these sections will be carried into effect with as little delay as possible. Thus, you will perceive, that the means have already been provided for the conveyance of public information and private correspondence amongst the citizens of our States and Territories east of the Rocky mountains.

Besides, the late Congress, at their first session by the act of the 19th of May, 1846, provided for raising a regiment of mounted riflemen, for the express purpose of affording a secure passage through the intervening Indian territory to emigrants on their way to Oregon and for the establishment of military posts along the route for their protection.

The people may rest assured that the Government and the people of the United States will never abandon them, or prove unmindful of their welfare. We have given a sufficient pledge of this determination by the zeal and firmness with which, throughout a quarter of a century, our just right to that territory was steadfastly maintained against the claims of Great Britain, until at last the question was finally adjusted between the two powers by the treaty of June, 1846. That treaty has secured to us the whole territory on the continent south of the parallel of 49°; and this we shall never abandon.

We feel the deepest interest in the prosperity of the people of Oregon. Their brethren on this side of the Rocky mountains regard them with affection and hope. We can perceive in the not distant future, one or more glorious States of this Confederacy springing into existence on the shores of the Northern Pacific—States composed of our own kindred, of a people speaking our own language, governed by institutions similar to those which secure our own happiness, and extending the blessings of religion, liberty and laws over that vast region. Their commerce and intercourse with the other States of the Union will confer mutual benefits on all parties concerned, and will bind them to us, and us to them, in bonds of reciprocal interest and affection more durable than adamant. Science has discovered, and enterprise is now fast establishing, means of intercommunication so rapid that, at no distant day, a journey from New York to Oregon will be accomplished in less time than was once employed in traveling from that city to New Orleans, and important news will be communicated with the velocity of lightning. Their foreign commerce with the west coast of America, with Asia and the isles of the Pacific, will sail under the protection of our common flag, and cannot fail to bear back wealth in abundance to their shores. In the meantime, we shall watch over their growth with parental care.

The President will direct our vessels of war to visit their ports and harbors as often as practicable, and to afford them all the protection which they may require; and Congress, I doubt not, will, at its next session, provide for them a Territorial Government suited to their wishes and their wants.

Yours very respectfully,

JAMES BUCHANAN, *Secretary of State.*[1]

JOHN M. SHIVELY, ESQ., appointed Deputy Postmaster at Astoria, Oregon Territory.

Mr. Shively also brought the following letter from Senator Benton to the people of Oregon, that was extensively read and copies made of it to send to different parts of the Territory, and as all knew he was doing everything possible for them, it gave encouragement to all. This copy is from the original now on file in the State Department at Salem:

WASHINGTON CITY, March, 1847.

My friends (for such I may call many of you from personal acquaintance, all of you from my thirty years devotion to the interests of your country), I think it right to maks this communication to you at the present moment when the adjournment of Congress, without passing the bill for your government and protection, seems to have left you in a state of abandonment by your mother country. But such is not the case. You are not abandoned. Nor will you be denied protection unless you agree to admit slavery. I, a man of the South, and a slaveholder, tell you this. The House of Representatives, as early as the middle of January, had passed the bill to give you a Territorial Government, and in that bill had sanctioned and legalized your Provisional Organic act, one of the clauses of which forever prohibited the existence of slavery in Oregon. An amendment from the Senate's committee, to which this bill was referred, proposed to abrogate that prohibition, and in the delays and vexations to which that amendment gave rise, the whole bill was laid upon the table and lost for the session. This will be a great disappointment to you and a real calamity, already five years without law or legal institutions for the protection of life, liberty and property, and now doomed to wait a year longer. This is a strange and anomalous condition, almost incredible to contemplate, and most critical to endure. A colony of freemen, four thousand miles from the metropolitan Government to preseve them. But do not be alarmed or desperate. You will not be outlawed for not admitting slavery.

Your fundamental act against that institution, copied from the ordinance of

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[1] App. Globe, 1st Ses. 30th Cong. p. 40.

1787 (the work of great men of the South, in the great day of the South, prohibited slavery in a territory far less northern than yours) will not be abrogated. Nor is that the intention of the prime mover of the amendment. Upon the record of the Judiciary Committee of the Senate is the author of that amendment, but not so in fact. It is only midwife to it. Its author is the same mind that generated the "Fire Brand Resolution," of which I send you a copy, and of which the amendment is the legitimate derivation. Oregon is not the object. The most rabid propagandist of slavery cannot expect to plant it on the shores of the Pacific in the latitude of Wisconsin and the Lake of the Woods. A home agitation for election and disunion purposes, is all that is intended by thrusting this firebrand question into your bill as it ought to be. I promise you this in the name of the South, as well as of the North; and the event will not deceive me. In the meantime the President will give you all the protection which existing laws can enable him to extend to you, and until congress has time to act, your friends must rely upon you to continue to govern yourselves as you have heretofore done under the provisions of your own voluntary compact, and with the justice, harmony and moderation which is due to your own character and to the honor of the American name.

I send to you by Mr. Shively, a copy of the bill of the late session, both as it passed the House of Representatives and as proposed to be amended in the Senate's vote upon laying it upon the table, and a copy of Mr. Calhoun's resolution (posterior in date to the amendment, but nevertheless its father); also a copy of your own Provisional Organic act, printed by order of the Senate; all of which will put you completely in possession of the proceedings of Congress on your petition for a Territorrial Government, and for the protection and security of your rights.

In conclusion, I have to assure you that the same spirit which has made me the friend of Oregon for thirty years—which led me to denounce the joint occupation treaty the day it was made, and to oppose its renewal in 1828, and to labor for its abrogation until it was terminated, the same spirit which led me to reveal the grand destiny of Oregon in articles written in 1818, and to support every measure for her benefit since—the same spirit animates me and will continue to do so while I live—which I hope will be long enough to see an emporium of Asiatic commerce at the mouth of your river and a stream of Asiatic trade pouring into the valley of the Mississippi through the channel of Oregon.

Your friend and fellow-citizen.

THOMAS H. BENTON.

Hon. Richard M. Young, Commissioner of the General Land Office, dated Washington, Nov. 27, 1847, in his report says:

"The propriety of extending our admirable land system over the Territory of Oregon, attracted considerable attention during the last Congress, and a bill for that purpose was presented for consideration of the Senate, by the able chairman of the committee on Public Lands.

By providing for the survey of the rich and fertile lands bordering on the Pacific, in Oregon, and granting munificent bounties to the present settlers, and to those who may remove there in a given time, that Territory will soon be settled by a virtuous, hardy and patriotic people, who, carrying with them the principles of civil and religious liberty, in which they have been educated, will with their usual enterprise develop the wealth of that interesting region, perpetuate our institutions, and extend our commerce."

Congressional.

On December 23, 1846, Mr. S. A. Douglas, of Illinois, chairman of the committee on territories, reported a bill to establish a Territorial Government in Oregon, which was twice read and referred to the committee of the whole on the state of the Union, and made a special order of the day for Tuesday, the 5th of January next. Mr. Thompson, of Massachusetts, wished to know if there was a section providing against the introduction of slavery in the Territory of Oregon, and if not he would introduce an amendment to that effect. To this, Mr. Douglas replied, by reading the fourteenth section of the bill, which extended the provisions of the ordinance of 1787 to the Oregon Territory, and said he presumed the gentleman would find slavery expressly prohibited by that ordinance. The first portion of section five, elicited considerable discussion by those who were afraid that the officers or members of the Hudson's Bay Company would become members of the Legislature and run things to suit themselves and to the detriment of the American interest. Mr. Douglas, then proposed a modification of the section, as follows:

"That every free white male inhabitant above the age of twenty-one, who shall have been a resident of said territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election; but the qualifications of voters at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly; *provided*, that the right of suffrage shall be exercised only by citizens of the United States, and those who shall have declared on oath, before some court of record, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act."

The next amendment offered was to the sixth section in regard to incorporating banks, which was adopted. The seventh, eighth, ninth and tenth sections were agreed to; the eleventh Mr. Douglas moved to pay the judges in Oregon $2,000, but the blank was finally filled at $1,500. Mr. Stephen Adams offered to amend section twelve by the following:

"*Provided*, That nothing in relation to slavery in this act shall be construed as an intention to interfere with the provisions or spirit of the Missouri compromise, but the same is hereby recognized as extending to all territory which may hereafter be acquired by the United States."

Mr. Hamlin, of Maine, offered the following amendment to the proviso:

"*Provided*, Nothing herein contained on the subject of slavery shall be construed as intending to interfere in anywise with the provisions or spirit of the Missouri compromise."

Mr. Hamlin said he would vote for the amendment without, however, any reference to the Missouri compromise. He held that that compromise had nothing to do with the Territory of Oregon. He should vote under the belief that the compromise had no more application to the Territory of Oregon than it had with the East Indies. Gentlemen asked him, why then put it into the bill? He would tell them why; because, if this were not inserted, slavery would creep into this Territory as certainly as ever Satan crept into the garden of Eden. Mr. Adams withdrew his amendment, and the proviso went with it. Mr. Burt, of South Carolina, moved to amend the twelfth section by inserting in the seventh line between the words "and" and "shall" the following;

"Inasmuch as the whole of the said Territory lies north of 36° 30′ north latitude, known as the line of the Missouri compromise."

Mr. Burt said: * * * "The moderation and wisdom which averted a war from the United States and Great Britain by the happy and peaceful adjustment of their long protracted controversy about the limits on the northwest coast of the continent. It was a signal triumph of moderation and justice over passion and pride. By that treaty they had acquired a territory west of the Rocky mountains, extending from the parallel of forty-two degrees to the parallel of forty-nine degrees north latitude. They obtained a country whose area was sufficient for the formation of four or five States of the medium size. It was a country which possessed many and important advantages. It had a mild and genial climate—a generous and fertile soil. It could command the commerce of China, of India, of Japan, and the islands of the South Sea."

Mr. Burt claimed that the Missouri compromise did not apply or reach as far as the Pacific coast. That the causes of acquisition of territory was different. The Louisiana purchase comprised Louisiana, Missouri, Arkansas and Iowa, and it was made to obtain control of the Mississippi river, and a concession of mutual rights resulted in the following as what is known as the Missouri compromise:

"SEC. 8. *And be it further enacted*, That in all of that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° 30′ north latitude, and included within the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited; *provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory in the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services as aforesaid." Approved March 6, 1820.

The above is the eighth section of the act of Congress authorizing the people of Missouri Territory to form a Constitution and State Government and admission in the Union.

Mr. Leake, of Virginia, presented reasons which would induce him to vote against the bill, and against all similar legislation. He complained that the House seemed to have been converted into a magnificent abolition society, and expressed his fears that the abolitionists, after laying their profane hands on the altars of religion and the halls of legislation, would next assail the bulwarks of the Constitution itself, and break like an avalanche on the peace and security of the entire South. He was sick and tired of compromises; the South had entered into many, and they had all been violated. He considered the vote this morning as an indication that the Missouri compromise was considered as no longer of any obligation, and an intimation that the institutions of the South were no longer to be respected.

Thus, it will be seen, that the Oregon bill created a great deal of discussion and finally passed the House on January 16, 1847, by a vote—yeas, 133; nays, 35.

On January 18, 1847, the Senate received from the House the bill to organize a Territorial Government in Oregon, which was read the first and second time and referred to the committee on judiciary. The next move was the report of that committee with several amendments. The third time that the bill came was on March 3, 1847, just at the close of the second session of the twenty-ninth Congress, and was laid on the table by a vote—yeas, 26; nays, 18. Thus died the bill after a strong but short existence.

NOTES.—Mr. Fred Lee Lewis, who was born in Oregon, when only fifteen years old, rode seventy-five miles between daylight and noon—from old Fort Colville to Spokane. He says: "My father sent me out on his swiftest horse a few days after the Whitman massacre to warn the families at the Spokane mission that the Indians were out and to urge them to come to the fort at once for protection. Walker's family came up the next day and staid at the fort until the troops escorted them back in safety to the settlements."

The following is the exports from Oregon during the month of April, 1847: Hudson's Bay Company's bark *Columbia*, 900 barrels of flour; American bark, *Toulon*, 386 barrels of flour, 94,000 feet of lumber; American brig, *Commodore Stockton*, 450 barrels of flour, 7,000 feet of lumber; American brig, *Henry*, 70,000 feet of lumber, 96,000 shingles; showing a total export of 1,736 barrels of flour, 171,000 feet of lumber and 96,000 shingles.—*Spectator*, May 13, 1847.

On May 13, 1847, Mr. Abernethy announced himself as a candidate for reelection to the office of Governor. Also, at the same time, Mr. A. S. Lovejoy announced himself as a candidate for the same office.

THE CAYUSE WAR.

On October 27, 1847, the first general massacre of American families occurred at Waiilatpu, within a few miles of where now stands the beautiful city of Walla Walla, Washington, but was known then as a portion of Oregon. There were at the mission about seventy persons, men, women and children. Of which Dr. Marcus Whitman,[1] Mrs. Narcissa Whitman, wife of Dr. Whitman, and several others were killed. The account of the manner will be given in the following pages, also a history of the war with the reports of officers, and official documents so far as obtainable. The event aroused the American portion of the settlers in Oregon to a keener sense of the great danger with which they were environed. The bold and energetic measures to invade the enemy's country and punish the tribe for their crime, was both unlooked for and a surprise to all the Indian tribes along the Columbia river. It also demonstrated to them that the Americans were not *women* as they had been told and would fight. The first and a very important movement was the occupation and holding the key of the whole situation, Wascopam, now The Dalles. There was not as many whites or Indians killed in this war as is usual, but the moral effect upon the Indians was as beneficial as if attended with greater loss of life. There is only one thing that an Indian respects in a white man, and that is power. That once established, he is peaceable and friendly, but if the situation is otherwise, he only holds contempt and often hatred.

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[1] Marcus Whitman, M. D., was born Sept. 4, 1802, at Rushville, N. Y., and was married, February, 1836, to Narcissa Prentiss, daughter of Hon. Stephen Prentiss. She was born at Prattsburg, N. Y., March 14, 1808.—*Oregon Missions.*

The Whitman Massacre.

The causes of this tragedy were numerous and somewhat complicated, and were augmenting several years anterior to their culmination. It is my purpose to give the facts as concisely as possible. Dr. Whitman settled at Waiilatpu, in November, 1836, apparently under favorable auspices, but the Cayuse Indians were naturally of an intractable disposition, and did not take kindly to religion and agriculture, and the progress towards civilization was not encouraging. The reports that were received by the Executive Committee of the Board of Foreign Mission were of such a discouraging a nature, that they ordered the stations at Waiilatpu (Whitman), Lapwai (Spalding) and Kamiah (Eells) to be abandoned, and a meeting was called to be held at Waiilatpu. This was attended by Revs. Whitman, Spalding, Eells, Walker, and Mr. Gray. After a long and earnest consultation, it was determined by Spalding that he would remain at Lapwai, and Whitman that he would hold Waiilatpu. The former was prosperous under Spalding, and the latter becoming more valuable as a stopping place for those en route across the plains and to obtain the much needed supplies of vegetables of which they had been deprived while on the trip. Besides this, the Doctor was an ardent American, and desired to solve the question of the possibility of bringing wagons from Fort Hall across the mountains to the Columbia valley, and thus increase the tide of immigration to the country. To carry out this laudable and patriotic idea, the Doctor determined to attempt to cross the continent that winter, against the strong protests of Revs. Walker and Eells, to lay the church matter before the Board and the value and desirability of the country before the General Government.

After sending Mrs. Whitman to The Dalles to remain until his return, on Oct. 3, 1842, in company with Mr. A. L. Lovejoy and an Indian as guide to Fort Hall, he started upon what proved to be a perilous but successful trip. In an hour or two after leaving the station, an incident occurred that nearly terminated the proposed trip forever. The Cayuse Indians supposing that the Doctor was going to leave them entirely, blocked the way and demanded that he should return, claiming that he had made several promises that he had not fulfilled, among them that he had not built a grist mill or raised as much grain as they expected, and recalled quite a number of frivolous promises that he had unfortunately made, and in the multiplicity of his affairs had forgotten, but they had not. The truth was that the Board of Foreign Missions had not sustained him as they should. These complaints of the Indians were not made on account of love and respect for the Doctor, but from mercenary motives. The Indians have never entertained such sentiments for the white man. Through interposition of some of the more friendly members of the tribe, the Doctor was allowed to continue his journey, an account of which is given by Mr. Lovejoy in a previous chapter.

On the return of the Doctor Sept. 25, 1843, after bringing wagons across the mountains; he found that the Indians had during his absence, burned his saw-mill, torn down his fences and damaged his buildings to a considerable extent. They received him in a sullen mood. This was the first sowing of the seed which engendered bad feeling, and like a malignant disease grew and gathered strength as it preyed upon its doomed victim. Another very unfortunate circumstance occurred which greatly increased the Doctor's perplexities, and that was the visit of Dr. E. White as sub-Indian agent to hold a council with the Cayuses. He gave them a code of laws, about as binding and oppressive to the Indians, as the "Blue laws of Connecticut" were in their time. These after a great deal of discussion and ill-feeling in the council were adopted. Then to cap the climax, he caused Ellis, an overbearing and arrogant Indian to be elected chief with twelve subchiefs, who enforced these laws rigorously. This visit of Dr. White may be considered as another link in the chain of circumstances leading to the unfortunate finale. The insults and indignities heaped upon the Doctor would have driven any other man away. Once several Indians entered his house and proceeded to break up his furniture and were in the act of breaking down the door to Mrs. Whitman's private room, when the timely arrival of some white men undoubtedly saved their lives. At another time an Indian three times knocked the Doctor's hat off of his head snd stamped it into the mud. If the good Doctor had promptly knocked his aggressor down, it would have caused them to respect him more, for Indians admire bravery.

Shortly after the Doctor's return, dissensions arose among the Indians in regard to religious matters. A large number of them and all of the Hudson's Bay people joined the Catholic church. The showy ceremonies of that church were more attractive than the plain, and not very comprehensible one of the Protestants. The Catholics did not insist upon the Indians quitting the more natural roving life and settling down to agriculture and raising cabbage (so to speak) for prizes at the annual fairs. The Catholics made no pretensions of changing their mode of life, nor desiring any land, not caring whether they lived in wigwams or houses, but to gain an influence over them through their religion. There is no doubt that if the Catholics had confined themselves to the neighboring tribes and not invaded Dr. Whitman's mission or Cayuse Indians, there would have been less cause of trouble. I do not mean to be understood as condemning the Catholic religion, but cannot help thinking that their zeal overran their judgment, and unintentionally did a great wrong. There is another point that has been overlooked in the bitterness of the discussion that was carried on for years, and that was the fact, that Messrs. Whitman and Spalding had official permits to come to Oregon as missionaries from the U. S. Government, while the Catholic priests were not armed with that authority, and were all foreigners, and considered as an auxiliary of the Hudson's Bay Company, being under their protection and the Indians were made to so understand. There is no doubt but that Dr. Whitman considered the Catholic priests as interlopers.

The Indians also became uneasy in regard to their land, fearing that the Americans would take it away and not pay them for it, while the Catholics, or Hudson's Bay Company, pretended that they did not want land This weapon was used with great effect against the Americans, as there were rumors among the Indians that there were a great many more coming for the purpose of settlement. This was the condition of affairs until the fateful year 1847. When the large immigration arrived it was attended by the measles, a disease not necessarily serious, but spreading among the Indians was the cause of considerable fatality—being aided by their sweat-house and cold bath system of treatment,[1] making the disease as fatal as smallpox. Dr. Whitman undertook to cure them with the same medicine that he was giving to his white patients, without the care and conditions that were necessary for their recovery. The white patients recovered while the Indians died. As was natural, aided by ignorance, the suspicion soon arose that he was poisoning them, which fallacy was used to great effect by Joe Lewis, an educated half-breed Cherokee, who had come that year with the immigration from Fort Hall and who was a Catholic. He told them that the doctor was poisoning them for the purpose of obtaining their land, and unless they killed him and all the Americans, they would do as they had done with his own people—send a few missionaries at first, to be followed by thousands of Americans, who would drive them from their country. He said that he had overheard a conversation between Whitman and Spalding, in which the proposition was made to poison the entire tribe and gain possession of the country. Now if they would rise and kill all in their portion of the country, they could go to the Willamette valley and "clean out" the whole settlement, and that they could get all the powder and ball that they needed from the Hudson's Bay Company. By this species of argument, assisted by the various other circumstances before enumerated, the fiend in human shape was the controlling spirit in the massacre.

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[1] The Indian sweathouse is constructed as follows: A circle about eight feet in diameter is marked on the ground near the bank of some deep hole in a stream of water. Willow branches are then set in the circle and drawn together at the top and tied, then a covering of grass and small fir branches are woven in the willow frame, then a coating of clay and mud about four inches thick is plastered over the first covering and allowed to dry, but if the weather is stormy the sweat house is protected by blankets, etc. There is only one small entrance, which is carefully closed up with a blanket after the patients have entered, disrobing and seating themselves in a circle, packing themselves closely. Then a fire is built in a small pit in the center of the house. The Indians now commence singing and pounding on almost anything that will make a noise, and exercising themselves as much as possible, which, aided by the heat of the fire, soon causes them to become very warm and reeking with perspiration, then they crawl out of the house, and with one or two bounds plunge head foremost into the ice-cold stream. Death invariably followed in a short time, and I was told by one person that he knew of an Indian man who did not reach the shore.

Mr. Archibald McKinley, a firm friend of the doctor, had warned him to abandon the mission, but he did not desire to leave the field open to the Catholics, who had, as he considered, invaded his mission for the purpose of driving him away. But the surrounding circumstances, aided by the measles and Joe Lewis, were more than the doctor and his heroic wife and dependents could withstand.

Dr. McLoughlin testified in the Indian trial of Dr. Whitman's murderers, at Oregon City in 1849, "that he had warned Dr. Whitman in 1840 and 1841 of his danger, as the Indians did kill their own medicine men." And early in 1847, while in Oregon City, Dr. Whitman urged Judge Thornton to go to the States and prevail upon our Government to provide some protection for his mission; and that was a great incentive for sending Judge Thornton to the States that fall.

On November 27, 1847 (a few days over eleven years from the establishment of the mission), the massacre occurred. There were seventy-two persons all told at the mission, of whom quite a number were immigrants, who were en route to the Willamette valley. At about two o'clock P. M., a short time after school had been called, two Indians came into the room where the doctor was sitting and reading and called for some medicine; the doctor took a seat by one of them and was in the act of giving him the potion, when the other Indian stepped up behind the doctor and, drawing a pipe tomahawk from beneath his blanket, buried it twice in the Doctor's brain, killing him instantly. The slaughter now began, and Joe Lewis, firing through a window, shot Mrs. Whitman through the right breast. She lingered a few hours before death relieved her, and spoke of her father and mother and prayed for her adopted children, now twice left orphans. While this scene of carnage was being enacted at the house, several men some distance away, engaged in dressing a beef, were attacked, only one, Mr. Canfield, making his escape. The victims were Doctor and Mrs. Whitman, Messrs. Rogers, Saunders, Marsh, Kimball, Gill, Gitten, Young, John and Francis Sager, two sick men, Bewley and Sales. Excepting Mrs. Whitman, none of the women or children were killed. Mr. Osborn and family (who had hid under the floor), Messrs. Hall and Canfield, Mrs. Hayes and two of the adopted children of the doctor's succeeded in concealing themselves in the confusion and finally escaped. Mr. Hall was the first to reach Fort Walla Walla and reported the massacre, but was refused protection by Wm. McBean, who was in charge of the fort, but had Mr. Hall put across the Columbia river, and he is supposed to have been murdered, as he never was seen afterwards. Mr. Osborn, who after this lived for several years in Linn county, states that he escaped with his wife and children, and traveling by night and hiding by day, succeeded on the third night in reaching Fort Walla Walla with one child, leaving the rest in hiding, but was refused admittance or assistance of any kind, Mr. Stanley, the artist, who happened to be present, let him have two horses and employed an Indian to go with Mr. Osborn to rescue his family. When he again returned, he was refused admittance, and upon Mrs. Osborn declaring that she would die at the gate (as she had beeh sick for some time before the massacre) McBean finally admitted them, and put the family in a dark, cold room without any bed or other furniture, even refusing to loan the family a blanket, saying that he would sell them some out of the store. Mr. Osborn bought a pair, which was all the bedding his sick wife and children had until Mr. Ogden arrived and took them away. This heartlessness of McBean at that time is explicable only on the theory of cowardice and hatred of the Americans in general and this mission in particular. There has never been a doubt of any who knew McBean, but that he was cognizant of the great danger of the mission, and that they were liable to be murdered. Knowing this, he could have warned the doctor in time and in such a manner that he would have heeded it. This would have been the means of saving many lives, as well as much suffering to those who finally escaped. He could even have deterred the Indians from the crime by the influence he possessed through the Hudson's Bay Company. It is not my desire to revive old animosities, in regard to the Catholic influence in this lamentable affair, but that they had entered that particular field, one that had been occupied by Dr. Whitman for over eleven years, is a well-known fact, and that the day after the massacre, in administering the church rites, even before visiting the scene of carnage and viewing the dead, they evinced, to speak mildly, a want of Christian philanthropy. This church, continuing to press their object, succeeded in getting religious control of this same tribe, when they were placed on the Umatilla reservation by the general Government.

November 30th, McBean wrote a letter to Chief Factor James Douglas, at Fort Vancouver, and evidently instructed the messenger not to communicate the fact to Mr. Hinman, who was living at The Dalles. At least, Mr. Hinman was not told, and the messenger said he acted as instructed; thus several more lives were endangered. This letter of McBean is published further on.

As soon as the news reached Fort Vancouver, Peter S. Ogden, second in commaad, left for Fort Walla Walla, December 7th, with a large party to rescue the captives. Reaching that place on the 19th, and calling the chiefs together on the 23d, he held a council, which lasted all day. Mr. Ogden's address assured them that his company did not intend to assist them in the least, but their best move would be to give him all their captives and he would pay them well. By taking a firm and decided stand he succeeded in enforcing compliance with his demands. The following is a list of the captives ransomed: Missionary children adopted by Dr. Whitman, viz.: Mary T. Bridger, Catherine Sagar, aged 13 years, Elizabeth Sagar, 10, Matilda J. Sagar, 8, Henrietta N. Sagar, 4, Hannah L. Sagar, Helen M. Meek[1] (the two last named died soon after the massacre). From Du Page county, Illinois: Joseph Smith, Mrs. Hannah Smith, Mary Smith, 15 years, Edwin Smith, 13, Charles Smith, 11, Nelson Smith, 6, Mortimer Smith, 4. From Fulton county, Illinois: Mrs. Eliza Hall, Jane Hall, 10 years; May Hall, 8, Ann E. Hall, 6, Rebecca Hall, 3, Rachel Hall, 1. From Osage county, Mississippi: Elam Young, Mrs. Irene Young, Daniel Young, 21, John Young, 19. From La Porte county, Indiana: Mrs. Harriet Kimball, Susan Kimball, 16, Nathan Kimball, 13, Byron M. Kimball, 8, Sarah S. Kimball, 6, Mince A. Kimball, 1. From Iowa: Mrs. Mary Sanders, Helen M. Sanders, 14, Phœbe L. Sanders, 10, Alfred W. Sanders, 6, Nancy I. Sanders, 4; Mary A. Sanders, 2; Mrs. Sally A. Canfield, Ellen Canfield, 16, Oscar Canfield, 9, Clarissa Canfield, 7, Sylvia A. Canfield, 5, Albert Canfield, 3. From Illinois: Mrs. Rebecca Hays, Henry C. Hays, 4, also, Eliza Spalding (daughter of Rev. H. H. Spalding), Nancy E. Marsh, Lorinda Bewley.

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[1] Helen M. Meek was a child of Jo L. Meek.

The ransom was sixty-two blankets, three point; sixty-three cotton shirts, twelve company guns, six hundred rounds of ammunition, thirty-seven pounds of tobacco, twelve flints. The Indians surrendered seven oxen, large and small, and sixteen bags coarse flour that belonged to the mission. The next day Rev. Mr. Spalding was escorted to the fort by two Nez Perce chiefs and a body guard, and joined the Ogden party, which started for Oregon City on January 1, 1848, which they reached in safety on the 19th, amid great rejoicing of the people.

Mr. Spalding at the time of the massacre, was at the Umatilla, about forty miles distant and did not learn of it until he was within about three miles of the mission station, when he met a Catholic priest, who informed him of the disaster, whereupon he turned and fled by a circuitous route towards his own station. He was pursued by an Indian who intended to kill him; but by traveling by night and hiding in the day time, he managed to escape, though at one time the Indian was within a few yards of him. The second night his horse left him and he was obliged to travel on foot. His boots so hurt his feet that he was obliged to cast them off, and he had no food except such as he could find on the way. Thus he traveled nearly 120 miles, and it was not till the seventh night he reached home, in great physical suffering, much to the relief of his wife, who thought he had been killed. He found his premises had been plundered by hostile Nez Perces, but his wife was protected by friendly chiefs of the same tribe.—*History of Indian Missions, p. 501.*

When the House met at 2 P. M., on the second day, Gov. Abernethy sent the following special message.

OREGON CITY, Dec. 8, 1847.

GENTLEMEN: It is my painful duty to lay the enclosed communication before your honorable body. It will give you the particulars of the horrible massacre committed by the Cayuse Indians on the residents of Waiilatpu. This is one of the most distressing circumstances that has occurred in our Territory, and one that calls for immediate and prompt action. I am aware that to meet this case funds will be required, and suggest the propriety of applying to the Hudson's Bay Company and the merchants of this place for a loan to carry out whatever plan you may fix upon. I have no doubt but the expense attending this affair will be promptly met by the United States Government.

The wives and children of the murdered persons, the Rev. Mr. Spalding and family, and all others who may be in the upper country, should at once be proffered assistance, and an escort to convey them to places of safety.

I have the honor to remain gentlemen, your obedient servant.

GEORGE ABERNETHY.

FORT VANCOUVER, Dec. 7, 1847.

GEORGE ABERNETHY, ESQ.,

Dear Sir.—Having received intelligence last night by special express from Walla Walla, of the destruction of the missionary settlement at Waiilatpu, by the Cayuse Indians of that place, we hasten to communicate the particulars of that dreadful event, one of the most attrocious which darkens the annals of Indian crime.

Our lamented friend, Dr. Whitman, his amiable and accomplished lady, with nine other persons, have fallen victims to the fury of those remorseless savages, who appear to have been instigated to this appalling crime by a horrible suspicion which had taken possession of their superstitious minds, in consequence of the number of deaths from dysentery and measles, that Dr. Whitman was silently working the destruction of their tribe by administering poisonous drugs, under the semblance of salutary medicines. With a goodness of heart and benevolence truly his own, Dr. Whitman has been laboring incessantly since the appearance of the measles and dysentery among his Indian converts to relieve their sufferings: and such has been the reward of his generous labors.

A copy of Mr. McBean's letter herewith transmitted, will give you all the particulars known to us of this indescribably painful event. Mr. Ogden, with a strong party, will leave this place as soon as possible for Walla Walla, to endeavor to prevent further evil; and we beg to suggest to you the propriety of taking instant measures for the protection of the Rev. Mr. Spalding, who, for the sake of his family, ought to abandon the Clearwater mission without delay, and retire to a place of safety, as he cannot remain at that isolated station without imminent risk, in the present excited and irritable state of the Indian population.

I have the honor to be, sir, your most obedient servant.

JAMES DOUGLAS.

"FORT NEZ PERCES, Nov. 30, 1847.

To the Board of Managers:

GENTLEMEN.—It is my painful duty to make you acquainted with a horrible massacre which took place yesterday at Waiilatpu, about which I was first apprised early this morning by an American by the name of Hall, who had escaped, and who reached this place half naked and covered with blood, as he started at the outset; the information I received was not satisfactory. He, however, assured me that the Doctor and another man were killed, but could not tell us the persons who did it, and how it originated. I immediately determined on sending my interpreter and one man to Dr. Whitman's to find out the truth, and if possible, to rescue Mr. Manson's two sons and any of the survivors. It so happened that before the interpreter had proceeded half-way, the two boys were met on their way hither, escorted by Nicholas Finley, it having been previously settled among the Indians that these boys should not be killed; as also the American women and children. Tilokaikt is the chief who recommended this measure.

I presume that you are well acquainted that fever and dysentery have been raging here in the vicinity, in consequence of which a great number of Indians have been swept away, but more especially at the Doctor's place, where he had attended upon the Indians. About thirty souls of the Cayuse tribe died, one after another, who evidently believed the Doctor poisoned them, and in which opinion they were, unfortunately confirmed by one of the Doctor's party. As far as I have been able to learn, this has been the sole cause of the dreadful butchery. In order to satisfy any doubt on that point; it is reported that they requested the Doctor to administer medicine to three of their friends, two of whom were really sick, but the third feigned sickness, and that the three were corpses the next morning. After they were buried, and while the Doctor's men were employed slaughtering an ox, the Indians came one by one to his house, with their arms concealed under their blankets, and, being all assembled, commenced firing on those slaughtering the animal, and in a moment the Doctor's house was surrounded; the Doctor, and a young lad brought up by himself, were shot in the house. His lady, Mr. Rogers, and the children had taken refuge in the garret, but were dragged down and dispatched (excepting the children) outside, where their bodies were left exposed

"It is reported that it was not the intention to kill Mr. Rogers, in consequence of an avowel to the following effect, which he is said to have made, and which nothing but a desire to save his life could have prompted him to do. He said 'I was one evening lying down, and overheard the Doctor telling Rev. Mr. Spalding that it was best that you should all be poisoned at once, but that the latter told him it was best to continue slowly and cautiously, and between this and spring not a soul would remain, when they would take possession of your lands, cattle and horses.' These are only Indian reports, and no person can believe the Doctor capable of such action without being as ignorant and brutish as the Indians themselves. One of the murderers, not having been made acquainted with the above understanding, shot Mr. Rogers."

"It is well understood, that eleven lives were lost and three wounded. It is also rumored that they are to make an attack upon the fort; let them come if they will not listen to reason; though I have but five men at the establishment, I am prepared to give a warm reception; the gates are closed day and night, and bastions in readiness.

In company with Mr. Manson's two sons was sent a young half-breed lad brought up by Dr. Whitman; they are all here and have got over their fright.

The ringleaders in this horrible butchery are Tilokaikt, his son, Big Belly, Tamsaky, Istacus, Towmoulisk, etc. I understand from the interpreter that they were making one common grave for the dead. The houses were stripped of everything in the shape of property, but when they came to divide the spoils they all fell out among themselves, and all agreed to put back the property. I am happy to state the Walla Walla chief had no hand in the whole business. They were all the doctor's own people—the Cayuses. One American shot another and took the Indians' part to save his own life.

Allow me to draw a veil over this dreadful affair, which is too painful to dwell upon, and which I have explained conformably to information received and with sympathizing feelings.

I remain with much respect, your most obedient servant,

WILLIAM McBEAN,

N. B.—I have just learned that the Cayuses are to be here to-morrow to kill Serpen Juane, the Walla Walla chief.

W. McB.

Names of those who are killed: Dr. Whitman, Mrs. Whitman, Mr. Rogers, Hoffman, Sanders, Osborn, Marsh, John and Francis Sager, Canfield and a sailor, besides three that were wounded more or less—Messrs. Kimball and another whose name I cannot learn.

W. McBEAN.

FORT VANCOUVER, December 4,[1] 1847.

Mr. George Abernethy—

DEAR SIR: A Frenchman from Walla Walla arrived at my place on Saturday, and informed me that he was on his way to Vancouver, and wished me to assist in procuring him a canoe immediately. I was very inquisitive to know if there was any difficulty above. He said four Frenchmen had died recently, and he wished to get others to occupy their places. I immediately got him a canoe and concluded to go in company with him, in order to get some medicine for the Indians, as they were dying off with measles and other diseases very fast. I was charged with indifference. They said we were killing in not giving them medicine, and I found if we were not exposing our lives, we were our peace, and consequently I set out for this place. This side of the Cascades I was made acquainted with the horrible massacre that took place at Waiilatpu last Monday. Horrible to relate! Dr. and Mrs. Whitman, Mr. Rogers, Mr. Osborn, Mr. Sanders, a school teacher, two orphan boys (John and Francis Sager), together with all the men at that place—eleven in all. Some are living at the sawmill, which is situated about twenty miles from the doctor's. A party set out for that place to dispatch them; also, a party for Mr. Spalding's to dispatch them; and they are not satisfied yet, but a party is said to have started for my place, and has, if true, reached there before this time. Oh! had I known it when I was at home. I can neither sleep nor take any rest on account of my family and those with them, viz.: my wife and child, the doctor's nephew, Dr. Saffron, and Mr. McKinney and wife. If I had ten men I could defend myself with perfect ease, by occupying the meeting house, which is very roomy and close. You see my situation, as well as Mr. Spalding's. I have perfect confidence in your doing all you can to get a party to come up and spend the winter there, and likewise to go to the women and children and Mr. Spalding if alive, which I think is very doubtful. Delay not a moment in sending a few men for my protection; a few moments may save our lives. I expect to leave to-morrow for home, and perhaps the first salutation will be a ball. My family is there and I must return if it costs me my life. We are in the hands of a merciful God, why should we be alarmed? I will close by saying again, send a small force immediately without the delay of one day. Farewell. Yours truly,

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[1] Evidently a mistake in date.. It should be the 7th at least.

ALANSON HINMAN.

It seems a little strange that Mr. McBean should put so much stress upon an Indian report that Mr. Rogers had told the Indians that Dr. Whitman had laid a plot to poison them. If so, why did he not give explicit orders that the settlement at The Dalles should be warned? Mr. McBean never did explain those two incidents satisfactorily.

The reading of the Governor's message and the two letters above produced intense excitement, and Mr. Meek moved that the communications be referred to a committee of the whole house, which motion was lost. Mr. Nesmith offered the following, which was adopted:

Resolved That the Governor is hereby required to raise arms and equip a company of riflemen, not to exceed fifty men, with their captain and subaltern officers, and dispatch them forthwith to occupy the mission station at The Dalles, on the Columbia river, and to hold possession of the same until reinforcements can arrive at that point, or other means be taken as the Government may think advisable.

On the morning of December 7th P. S. Ogden left Fort Vancouver, with a party of sixteen men who proceeded with all dispatch, and arrived at Fort Walla Walla on the 19th of December, and immediately sent out summons to the Cayuse chiefs to meet him. After waiting four days a council was held which lasted all day, and they finally agreed to surrender the captives upon paying a certain amount within a week. Mr. Ogden made the following remarks as reported:

> I regret to observe that all the chiefs whom I asked for are not present. Two being absent, I expect the words I am about to address to you to be repeated to them and your young men on your return to your camps. It is now thirty years since we have been among you. During all this long period we have never had any instance of blood being spilt until that inhuman massacre which has so recently taken place. We are traders, and a different nation from the Americans. But recollect we supply you with amunition not to kill the Americans. They are the same color as ourselves, speak the same language, one children of the same God, and humanity makes our hearts bleed when we behold you using them so cruelly. Besides the revolting butchery, have not the Indians pillaged, ill-treated the Americans, and insulted their women while peaceably making their way to the Willamette? As chiefs, ought you to have connived at such conduct on the part of your young men? You tell me the young men committed the deeds without your knowledge. Why do we make you chiefs if you have no control over your young men? You are a set of hermaphrodites, and unworthy the appellation of men as chiefs. You young, hot-headed men, I know that you pride yourselves upon your bravery, and think no one can match you. Do not deceive yourselves. If you get the Americans to commence once, you will repent it, and war will not end until every one of you is cut off from the face of the earth. I am aware that a good many of your friends and relatives have died through sickness. The Indians of other places have shared the same fate. It is not Dr. Whitman who poisoned them, but God has commanded that they should die. We are weak mortals and must submit; and I trust you will avail yourselves of the opportunity. By so doing it may be advantageous to you; but at the same time remember that you alone will be responsible for the consequences. It is merely advice that I give you. We have nothing to do with it. I have not come here to make promises or hold out assistance. We have nothing to do with your quarrels, we remain neutral. On my return, if you wish, I shall do all I can for you, but I do not promise to prevent war. If you deliver me up all the prisoners, I shall pay you for them on their being delivered, but let it not be said among you afterwards that I deceived you. I and Mr. Douglas represent the company; but I tell you once more that we promise you nothing. We sympathize with these poor people, and wish to return them to their friends and relatives by paying you for them. My request in behalf of the families concerns you, so decide for the best.
>
> Tau-i-tau made a speech, stating "the young men were strong-headed and foolish. Though we made war on other tribes, yet we always looked and ever will look upon the whites as our friends." He was willing to give up the families. Several other chiefs spoke and consented to surrender the captives. Mr. Ogden then sent a letter to Rev. H. H. Spalding by two Nez Perces chiefs, and on the evening of December 30th he arrived at the fort. On New Year's day Mr. Ogden and the rescued party started for the Willamette, where they arrived in due time amid great rejoicing of their friends and the people.

The Governor called a public meeting that night and a company of forty-two men was organized, H. A. G. Lee, being elected Captain; Jos. Magone, First Lieutenant; John E. Ross, Second Lieutenant; and the next day at noon, Dec. 9, 1847, the brave little company started for the seat of war, bearing a flag presented to them by the ladies of Oregon City. All this was accomplished within thirteen days from the date of the massacre.

A bill was introduced and passed authorizing the Governor to raise a regiment of mounted riflemen. A communication was also received from Hon. Jesse Applegate urging the necessity of sending a messenger to the United States. This was referred to a special committee consisting of Messrs. Nesmith, Wair and Meek, and the following was introduced by them and adopted:

Resolved, That in view of our critical situation with the powerful tribes of Indians inhabiting the banks of the Columbia, and with whom we are actually in a state of hostilities, it is the duty of this Legislature to dispatch a special messenger, as soon as practicable, to Washington City, for the purpose of securing the immediate influence and protection of the United States Government in our internal affairs.

Dec. 11, To permanently organize the army, the Legislature elected the following officers: Colonel, Cornelius Gilliam; Lieutenant Colonel, James Waters; Major, H. A. G. Lee; Commissary General, Joel Palmer.

According to recommendation of the Governor, a Loan Commission consisting of Jesse Applegate, A. L. Lovejoy and Geo. L. Curry, were appointed and proceeded to Fort Vancouver to obtain assistance from the Hudson's Bay Company, and the following letter was addressed to Mr. Douglas, Chief Factor:

(A.)

FORT VANCOUVER, Dec. 11, 1847.

To James Douglas, Esq., Chief Factor of Hudson's Bay Company:

SIR. By the enclosed document you will perceive that the undersigned have been charged by the Legislature of our Provisional Government with the difficult duty of obtaining the means necessary to arm, equip, and support in the field, a force sufficient to obtain full satisfaction of the Cayuse Indians for the late massacre at Waiilatpu, and to protect the white population of our common country from further aggression. In pursuance of this object, they have deemed it their duty to make immediate application to the Hon. Hudson's Bay Company for the requisite assistance. Though clothed with the power to pledge, to the fullest extent, the faith and means of the present government of Oregon, they do not consider this pledge the only security of those whom, in this distressing emergency, may extend to the people of this country the means of protection and redress. Without claiming any special authority from the Government of the United States to contract a debt to be liquidated by that power, yet, from all precedents of like character in the history of our country, the undersigned feel confident that the United States Government will consider the murder of the late Dr. Whitman and his lady as a national wrong, and will fully justify the people of Oregon in taking active measures to obtain redress for that outrage, and for their protection from future aggression.

The right of self defense is tacitly accorded to every body politic in the confederacy to which we claim to belong, and in every case similar to our own, within our knowledge, the General Government has promptly assumed the payment of all liabilities growing out of the measures taken by the constituted authorities to protect the lives and property of those residing within the limits of their districts. If the citizens of the States and Territories, east of the Rocky mountains, are justified in promptly acting in such emergencies, who are under the immediate protection of the General Government, there appears no room to doubt that the lawful acts of the Oregon Government will receive a like approval.

Should the temporary character of our Government be considered by you sufficient ground to doubt its ability to redeem its pledges and reasons growing out of its peculiar organization be deemed sufficient to prevent the recognition of its acts by the government of the United States, we feel it our duty, as private individuals, to enquire to what extent, and on what terms, advances may be had of the Hon. Hudson's Bay Company, to meet the wants of the force the authorities of Oregon deem it their duty to send into the field.

With sentiments of the highest respect, allow us to subscribe ourselves.

Your most obedient servants,

JESSE APPLEGATE,
A. L. LOVEJOY,
GEO. L. CURRY.
Commissioners.

To this Mr. Douglas sent the following reply :

FORT VANCOUVER, Dec. 11, 1847.

To Jesse Applegate, A. L. Lovejoy, Geo. L. Curry, Esquires:

GENTLEMEN. I have had the honor of your communication of this date, and have given an attentive perusal to the documents accompanying it. With a deep feeling of the importance of the object which has procured me the honor of your present visit, and the necessity of the measures contemplated for the punishment of the Cayuse Indians and for the future protection of the country, I can on the present occasion only repeat the assurances verbally given in our conversation of yesterday, that I have no authority to grant loans or make any advances on account of the Hudson's Bay Company, my orders on that point being so positive that I cannot deviate from them without assuming a degree of responsibility which no circumstances could justify to my own mind. It is, however, in accordance with the spirit and letter of my instructions from the Hudson's Bay Company, to exert their whole power and influence in the maintaining the peace of the country, and in protecting the white population from Indian outrage. The force equipped and dispatched, at their sole expense to Walla Walla, under the command of Mr. Ogden, immediately on receiving the intelligence of the disastrous event at Waiilatpu, is an earnest of our attention to the calls of humanity. The object of that expedition is, with the blessing of God, to prevent further aggression, to rescue the women and children who survived the massacre from the hands of the Indians, and to restore them to their afflicted friends. Trusting that these objects may be successfully accomplished. I have the honor, &c.

JAMES DOUGLAS,
C. F. H. B. Co.

I append a statement from a letter before me now of Hon. Jesse Applegate which was written to Hon. S. F. Chadwick, and handed to the writer that explains the whole matter and removes any false impression in regard to Mr. Douglas. The letter is dated Nov. 8, 1877:

"Your letter of 5th inst., enclosing 'Scraps of Oregon History,' by J. Henry Brown, has received my attention. The correspondence he published lacking the reply of Sir James Douglas, is calculated to make a wrong impression in regard to the private sympathies of that gentleman, as well as his conduct as an officer of the Hudson's Bay Company. By a standing order of his superior, the Board of Management in London, he was, as were all other traders of the company, forbidden to make advances upon or deal in any kind of goods not securities, and had the commissioners been accredited to him by the U. S. Government itself, he could not have acted otherwise than he did. Mr. Douglas was a humane man and earnest Christian, and held the murdered missionary in high esteem. He was ready and willing to do anything consistent with his duties as an officer and a subject to bring the murderers of Dr. Whitman to justice, and protect the scattered infant settlement from the horrors of an Indian war.

It was known that a party of immigrants had been forced to stop at Dr. Whitman's station for the winter, and as soon as the news of the massacre reached Vancouver, without waiting to consult the Oregon Governor or any American, Mr. Ogden, second in command at Vancouver, left at once at the head of a powerful company for the scene of slaughter, to stop the further effusion of blood and rescue the helpless women and children from savage cruelty and barbarity. For reasons given above, Mr. Douglas could not make advances directly to the Oregon Government, but upon the notes of good men, he agreed to furnish us with any articles his stock afforded, to the full extent of our wants in carrying on the war. Mr. Douglas further agreed that these notes should be held as security only, so long as there were any hope that the U. S. Government would assume the payment of the Cayuse war debt, and upon such assumption, they were to be returned to the makers.

I admit as this correspondence shows, we made a bungle of carrying out the high functions of an independent sovereignty. But Indian war, forced upon us, we made a success by making the enemy's country its theater, thereby protecting our settlement from savages, and we made no peace until our demand for the punishment of the leaders in the massacre was complied with. We had no mutinies, sections or strikes in our little army, though both officers and men served without pay and frequently without food, *lean horse meat* being a luxury.

I will close this already too lengthy letter by a brief account of the expedition of our British cousins for the relief of the immigrants held prisoners by the Indians after the massacre of Dr. Whitman, which I have already mentioned. It was an expedition of priceless value to those in whose behalf it was undertaken; a service their countrymen could not do for them. It was prosecuted night and day, over land and water, through snow and rain, of an inclement December, until all the survivors, numbering about sixty, mostly women and children, were ransomed and gathered up, the naked clothed and made comfortable, and tenderly and carefully conveyed to their friends in the Willamette. All this was not effected at that day without much toil, cost and danger. The women, particularly the young, were most unwillingly surrendered by the dusky warriors to whose arms they had been consigned, and a large ransom paid for them would not have been accepted had it not been supplemented by the fear of the terrible anger of the Hudson's Bay Company, with which Mr. Ogden threatened them in case refusal. For this great service no pay was asked of Government or people, nor would it have been received if offered, and the act stands to-day, as on the day of its performance, one of pure mercy and philanthropy, that money could neither hire nor reward.

With the highest
Respect yours &c
Jesse Applegate

I will admit that after reading Gray's history and Spalding's narrative that I had great prejudice against the Hudson's Bay Company and Sir James Douglas, aided by the foundation laid by living under the influence of the Methodist Mission in my youth, but upon examining the facts with a desire to do justice to all, the conclusion is, that Sir James did do all that a Christian and humane man could do, and that his actions were prompted by a sincere desire to relieve those who were in need of aid. That justice has never been done to Douglas cannot but be admitted, and the testimony of Hon. Jesse Applegate (the Sage of Yoncalla) carries great weight with all who knew that gentleman.

The following is a copy of the note given to Mr. Douglas for supplies at the time that the foregoing letter was addressed to him, with the signature of Governor Abernethy in place of G. L. Curry, who at that time was not financially able to sign the note, and as Governor Abernethy was present:

> FORT VANCOUVER, December 11, 1847.
>
> We, the undersigned, hereby bind ourselves, jointly and severally, our heirs, administrators and assigns, to pay the sum of nine hundred and ninety-nine dollars and forty-one cents to James Douglas, Esq., or order, on or before the first day of November, one thousand eight hundred and forty-eight (1848), if not before paid, for supplies furnished to the Provisional Government of Oregon, under this, our bond of security.
>
> Signed: GEORGE ABERNETHY,
> A. L. LOVEJOY,
> JESSE APPLEGATE.

This note was paid by Daniel Waldo at maturity, but it was not the only note given, as the following extract from a previous letter from Mr. Applegate will show:

> * * * The note copied by Mr. Brown, in his "Scraps of History." was not, as he seems to suppose, the only one, and was paid at maturity with money borrowed from Uncle Dan Waldo. On the contrary, two others were given during the progress of the war—one of them was signed by Daniel Waldo and Jesse Applegate for $1,000; the other by Neil Gilliam and Joel Palmer for $800,

making $2,800 in all. Some years after the United States Government assumed the payment of the Cayuse war debt, these notes were returned to their makers, they never having been called upon to pay either principal or interest.

The commissioners returned to Oregon City and issued the following letter addressed to the merchants and citizens of Oregon:

(C)

OREGON CITY, December 13, 1847.

To the Merchants and Citizens of Oregon—

GENTLEMEN: You are aware that the undersigned have been charged by the Legislature of our Provisional Government with the difficult duty of obtaining the means necessary to arm, equip and support in the field, a force sufficient to obtain full satisfaction of the Cayuse Indians for the late massacre at Waiilatpu, and protect the white population of our common country from further aggression. In furtherance of this object they have deemed it their duty to make immediate application to the merchants and citizens of the country for the requisite assistance. Though clothed with the power to pledge to the fullest extent the faith and means of the present Government of Oregon, they do not consider this pledge the only security to those who, in this distressing emergency, may extend to the people of this country the means of protection and redress.

Without claiming any special authority from the Government of the United States to contract a debt to be liquidated by that power, yet, from all precedents of like character in the history of our country, the undersigned feel confident that the United States Government will regard the murder of the late Dr. Whitman and his lady as a national wrong, and will fully justify the people of Oregon in taking active measures to obtain redress for that outrage, and for their protection against further aggression. The right of self-defense is tacitly accorded to every body politic in the confederacy to which we claim to belong, and in every case similar to our own, within our knowledge, the General Government has promptly assumed the payment of all liabilities growing out of the measures taken by the constituted authorities, to protect the lives and property of those who reside within the limits of their district. If the citizens of the States and Territories east of the Rocky mountains, are justified in promptly acting in such emergencies who are under the immediate protection of the General Government, then there appears no room for doubt that the lawful acts of the Oregon Government will receive a like approval.

Though the Indians of the Columbia have committed a great outrage upon our fellow-citizens passing through their country, and residing among them, and their punishment for these murders may, and ought to be, a prime object with every citizen of Oregon, yet, as that duty more particularly devolves upon the Government of the United States, and admits of delay, we do not make this the strongest ground upon which to found our earnest appeal to you for pecuniary assistance. It is a fact well-known to every person acquainted with the Indian character, that by passing silently over their repeated thefts, robberies and murders of our fellow-citizens, they have been emboldened to the commission of the appalling massacre at Waiilatpu. They call us women, destitute of the hearts and courage of men, and if we allow the wholesale murder to pass by as former aggressions, who can tell how long either life or property will be secure in any part of this country, or what moment the Willamette will be the scene of blood and carnage.

The officers of the Provisional Government have nobly performed their duty.

None can doubt the readiness of the patriotic sons of the West to offer their personal services in defense of a cause so righteous, so it now rests with you, gentlemen, to say whether our rights and our firesides shall be defended or not. Hoping that none will be found to falter in so high and so sacred a duty, we beg leave, gentlemen, to subscribe ourselves, your servants and fellow-citizens,

JESSE APPLEGATE,
A. L. LOVEJOY,
GEO. L. CURRY,
Commissioners.

On the 14th of December the loan commissioners made the following report:

To the Honorable, the Legislative Assembly of Oregon Territory—

The undersigned, commissioners appointed by your honorable body for the purpose of negotiating a loan to carry into effect the provisions of an act to authorize the Governor to raise a regiment of volunteers, &c., have the honor to inform you that, fully realizing the heavy responsibilities attached to this situation, and the peculiarly difficult nature of their duties, they at once determined to act with promptness and energy, and to leave no fair and honorable effort untried, that might have a tendency to a successful termination of this undertaking. They accordingly proceeded to Fort Vancouver on the 10th instant, and there addressed a communication to James Douglas, chief factor of the Hudson's Bay Company, a copy of which (marked A) will be found among the accompanying documents. The commissioners had anticipated the unfavorable reply of Mr. Douglas, as agent of the Hudson's Bay Company, and its only effect was to heighten their zeal, and to occasion them stronger hopes of a more satisfactory reliance upon the citizens generally of our common country. However, two of the commissioners with the Governor, became responsible for the amount of the outfit for the first regiment of Oregon riflemen, being $999.41. Not at all disheartened by the unsuccessful issue of their mission, the commissioners returned to this city on the 13th instant, and at once entered into negotiations, the revelation of which herewith follows.

It will be seen, by document marked C, the commissioners, through a public meeting held at Oregon City on the night of the 13th instant, addressed the merchants and citizens of Oregon, at which meeting, from citizens generally, a loan of about $1,000 was effected.

Document marked (D) will show the correspondence on the part of the commissioners with the Rev. Mr. Roberts, superintendent of the Oregon mission. [This letter is so like the address to the merchants and citizens that it is omitted.] The negotiations are not yet concluded entirely, yet the commissioners feel safe in reporting a loan from this source of $1,000

The commissioners are happy to state that they have succeeded in negotiating a loan of $1,600 from the merchants of Oregon City, with, perhaps, a likelihood of further advance. The commissioners feel well assured, from the interest manifested by our fellow citizens in the matter, and prompt action they have proposed to take in several counties in the Territory to assist the commissioners in the successful discharge of their duties, that the Government will ultimately succeed in negotiating an amount adequate to the present emergency of affairs. The commissioners would beg your honorable body, with as little delay as possible, to appoint appraisers, whose duty it shall be to set a cash value upon produce and other property, which may be converted into means to assist the Government in its present operations. Therefore, gentlemen, as we believe we can no longer be useful to our fellow-citizens as a board, we hope to be permitted to resign our trust into the hands of the proper accounting officers of this Government.

JESSE APPLEGATE,
A. L. LOVEJOY,
GEO. L. CURRY.

Mr. Nesmith introduced a resolution thanking the commissioners for the prompt and efficient manner in which they had discharged their duties, and moving that they be discharged from further services. The bill to send a special messenger to Washington was passed in a few days, and J. L. Meek resigned his seat in the Legislature to prepare to make the hazardous trip, as that intrepid mountaineer was the most available man in the country for such an undertaking; $1,000 was appropriated to defray his expenses. A committee of five was appointed to draft a memorial to Congress to be sent by Mr. Meek, which appears further on. Mr. Hill introduced the following:

Resolved, That the commodore of the United States squadron in the Pacific ocean be solicited to send a vessel of war into the Columbia river for our relief, and to send such other assistance as may be in his power.

Mr. Crawford offered the following, which was adopted:

Resolved, That a delegation of three persons be appointed by this House to proceed immediately to Walla Walla, and hold a council with the chiefs and principal men of the various tribes on the Columbia, to prevent, if possible, the coalition with the Cayuse tribes in the present difficulty.

The following, received by Governor Abernethy, relieved the anxiety felt for those living at Wascopam, now known as The Dalles:

FORT VANCOUVER, December 15. 1847.

George Abernethy, Esq., Governor Provisional Government of Oregon—

SIR: I have much pleasure in communicating for your information and that of the public generally, that an Indian arrived here last night from The Dalles, who reports that the mission at Wascopam had not been visited by any of the Cayuse tribe, and that the inmates were all alive and well, Monday morning, the 13th instant, when he started from that place on his way down. Mr. Ogden and party arrived at Wascopam on Saturday preceding (11th inst.). Mr. Hinman and company spent the better part of a day there, and continued onward towards Walla Walla. Six men of the Cayuse tribe had appeared at the "Chutes"[1] and put an unfortunate "medicine man" to death, on a suspicion of mal-practice. Our informant brings no intelligence from any point beyond the "Chutes." The safety of Wascopam induces a hope that the Cayuses have relented and not carried their threats against the Rev. Mr. Spalding into execution, which I fervently hope may be the case. Your most obedient servant, JAMES DOUGLAS.

On December 20th the Legislature elected three war commissioners, according to a bill passed for that purpose—A. L. Lovejoy, Hugh

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[1] Now called Des Chutes

Burns and Wm. H. Willson, who at once entered upon their duties, but the scarcity of money at that day, and the doubt as to whether the United States Government would assume the indebtedness, of course worked against the commissioners. In due order a copy will be given of a bond issued by them, also a commissary general's order with the report of the commissioners, which will explain the condition of affairs.

The committee appointed to draft a memorial to Congress to be sent by J. L. Meek, reported the following:

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled—

Your memorialists, the Legislative Assembly of Oregon Territory, would respectfully beg leave once more to lay before your honorable body a brief statement of their situation and wants.

Having called upon the Government of the United States so often in vain, we have almost despaired of receiving its protection, yet we trust that our present situation, when fully laid before you, will at once satisfy your honorable body of the great necessity of extending the strong arm of guardianship and protection over this remote, but beautiful portion of the United States' domain. Our relations with the proud and powerful tribes of Indians residing east of the Cascade mountains, hitherto uniformly amicable and pacific, have recently assumed quite a different character. They have shouted the war-whoop and crimsoned their tomahawks in the blood of our citizens. The Cayuse Indians, after committing numerous outrages and robberies upon the late immigrants, have, without the semblance of provocation or excuse, murdered eleven American citizens. Among the murdered were Dr. Marcus Whitman and his amiable wife, members of the American Board of Foreign missions.

Called upon to resent this outrage, we feel sensibly our weakness and inability to enter into a war with powerful tribes of Indians. Such outrages cannot, however, be suffered to pass unpunished. It will be the commencement of future and more extensive murders, and our hitherto peaceful settlement will become the scene of fierce and violent warfare. We do not doubt the readiness of the people of this country to defend their lives and property, and to submit to all the privations incident to a state of war in a new and remote settlement like this. Circumstances warrant your memorialists in believing that many of the powerful tribes inhabiting the upper valley of the Columbia, have formed an alliance for the purpose of carrying on hostilities against our settlements. The number of the white population in Oregon is alarmingly insignificant compared with the swarms of Indians which throng its valleys.

To repel the attacks of so formidable a foe, and protect our families and property from violence and rapine, will require more strength than we possess. We are deficient in many of the grand essentials of war,—such as men, arms and treasure; for them, our sole reliance is on the Government of the United States; we have the right to expect your aid, and you are in justice bound to extend it. For although we are separated from our native land by ranges of mountains whose lofty altitudes are mantled in eternal snows; although three thousand miles, nearly two-thirds of which is a howling wild, lie between us and the Federal capitol, yet our hearts are unalienated from the land of our birth. Our love for the free and noble institutions, under which it was our fortune to be born and nurtured, remains unabated.

In short, we are Americans still—residing in a country over which the Government of the United States have sole and acknowledged right of sovereignty—and under such circumstances we have the right to claim the benefit of its laws and protection.

Your memorialists would avail themselves of this opportunity to invite your attention to other subjects of deep and vital interest to the citizens of this Territory. The very nature of our compact formed between the citizens of a republic and the subjects and official representatives of a monarchy, is such that the ties of a political union could not be drawn so closely as to produce that stability and strength sufficient to form an efficient government. This union between the democrats of a republic and wealthy aristocratic subjects of a monarchy could not be formed without reserving to themselves the right of allegiance to their respective Governments. Political jealousy and strong party feeling have tended to thwart and render impotent the acts of government, from its very nature weak and insufficient.

In establishing a regular form of Government, creating tribunals for the adjustment of the rights of individuals, and the prevention and punishment of crime, a debt has accumulated, which, though an insignificant amount, yet your memorialists can devise no means of liquidating. The revenue laws, from not being properly executed, while they are burdensome to classes of our citizens and sections of country, are wholly disregarded by others, and whole counties, which for numerical strength are equal to any in the Territory, and fully participating in all the advantages of our compact, have never contributed any assistance in bearing the common burdens. To coerce obedience to our temporary government would at once destroy the great object which called it into existence—the peace and harmony of our country. Anxiously looking forward to that happy period when we should again be under the protection of our revered and parent republic, we have rather endeavoured to maintain peace by forbearance, hoping that the dangers and difficulties to be apprehended from domestic discord and from the savages around us would be postponed until we became an acknowledged people, and under the protection of our mother country.

The action of your honorable body in regard to the land in Oregon would seem to justify the expectation that liberal grants would be made to our citizens; yet the uncertainty of our title, and the uneasiness which is felt upon this subject, urge us to press this subject upon your attention. Our citizens, before leaving their homes in the United States for Oregon, have had the strongest inducements held out by Congress to settle in this country, and their just expectations will not be met short of liberal donations of land.

On the subject of filling the offices that will be created in the event of the extension of the jurisdiction of the United States over this Territory, your memorialists would respectfully represent, that, as the pioneers of American population in this country the present citizens of this country have strong claims upon the patronage of the General Government, and that it would be gratifying to have them filled by our fellow-citizens; but as few of them of an equally deserving number can enjoy this mark of the approbation of our parent republic, and in view of our peculiar and difficult situation, it is the opinion of your memorialists that it will be better for the future prosperity of our country, and the great mass of the people will concur with them in requesting that important and responsible offices created here, such as the office of Governor and the several judgeships, should be filled with men of the best talent and most approved integrity without regard totheir present location.

If it be at all the intention of our honored parent to spread her guardian wing over her sons and daughters in Oregon, she surely will not refuse to do it now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them and preparing to burst upon their heads. When the ensuing summer's sun shall have dispelled the snow from the mountains, we shall look with glowing hopes and restless anxiety for the coming of your laws and your arms.

The accompanying documents[1] will afford additional information concerning some of the subjects of which we have spoken.

To insure the speedy conveyance of these papers to the Federal Government, your memorialists have elected J. L. Meek, Esq., a special messenger to bear the same, and respectfully ask your honorable body to make him such compensation therefor that you may deem just. And your memorialists will ever pray, etc."

Mr. Nesmith offered the following which was adopted:

Resolved, That a committee of three be appointed to draft a letter to the American Consul at Sandwich Islands, representing our affairs, and imploring any assistance which he may be able to render.

Mr. Hill introduced the following which was adopted:

Resolved, That the commander-in-chief of the United States naval and land forces in California, is respectfully requested to furnish us all the assistance in his power, not inconsistent with his instructions, or his duty to his country.

On Dec. 25th, the House went into secret session, for the purpose of conferring with the Governor, Colonel, Lieut-Colonel, and Commissary General, in relation to the Indian difficulties. When it was concluded, Mr. Nesmith offered the following which was adopted:

Resolved, That the Executive, as commander-in-chief, has full power to adopt all measures necessary for the prosecution of the existing war; and that it is the opinion of this House, that it is expedient for the Executive to issue orders for 500 men, and trust to the patriotism of the citizens of Oregon, for their support in the field.

After the above conference and the adoption of the resolution offered by Mr. Nesmith. the Governor issued the following:

PROCLAMATION.

BY GEORGE ABERNETHY, GOVERNOR OF OREGON TERRITORY.

In consequence of the low state of the finances of this country, and the general impression being that the Indians in the upper country were not united, a small force was thought sufficient to proceed to Walla Walla to punish the Cayuse Indians, and a proclamation was issued by me asking for one hundred men; since which, information has been received here, which leads to the belief that the Indians have united, and the force ordered out in that case being insufficient, I therefore call on the citizens of this Territory to furnish five hundred men, and appoint the following persons brevet captains to enroll such citizens as may wish to enlist, viz.:

Wesley Shannon, John Ford, Thomas McKay, Champoeg county; John Owens, Wm. Williams, John Stewart, Polk county; Philip Thompson, George

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[1] The others were the message by the Governor; an account of Indian outrages; massacre at Waiilatpu; and list of killed.

Nelson, Felix Scott, Yamhill county; Isaac W. Smith, Benjamin Q. Tucker, Tualatin county; James Officer, Clackamas county. The enlistments to be for six months, unless sooner discharged by proclamation.

Each man will furnish his own horse, arms, clothing and blankets. The companies will bring all the ammunition, percussion caps and camp equipage they can, for which they will receive a receipt from the commissary general.

Colonel Cornelius Gilliam will remain at Oregon City until the first companies arrive at Portland, when he will take command and proceed forthwith to Walla Walla. Lieutenant-Colonel James Waters will remain until the rear companies arrive at or near Portland, when he will take command and proceed to Walla Walla.

Companies will rendezvous at Portland, or opposite Portland, on or before the 8th day of January, 1848. Whenever a sufficient number of volunteers arrive on the ground at Portland, they will organize and proceed to elect their officers, viz.: one captain, one first lieutenant, one second lieutenant, one orderly sergeant and four duty sergeants.

Companies will consist of eighty-five men, rank and file. If any company should be formed in the counties smaller or larger, they will be regulated after they arrive on the ground.

As the commissary general will not be able to furnish a sufficient quantity of provisions for the army, the citizens of the Territory are called on to deliver to his agents all the provisions they can, that the operations of the troops may not be impeded for want of provisions. Agents will be appointed by him at Salem, Yamhill ferry, Champoeg, Butte, and Portland.

In witness whereof, I have signed my name and affixed the seal of the Territory at Oregon City, this 25th day of December, 1847.

[L. S.] GEORGE ABERNETHY.

On December 27th, A. L. Lovejoy was elected adjutant-general, and Joel Palmer superintendent of Indian affairs. This was all the action taken in regard to the war during that session, which was adjourned, December 28, 1847.

Captain Lee and his company from Oregon City, arrived at Fort Vancouver, December 10th, and after receiving their outfit, procured by the commissioners, started to The Dalles, where they arrived on the 21st. The appended letter was written from that place:

WASCOPAM, December 26, 1847.

To Governor Abernethy—

SIR: I reached this place on the evening of the 21st instant with ten men, including Mr. Hinman, whom I met on his way to Willamette at Wind River mountain, thirty miles below. The boats being wind-bound, and hearing from Mr. Hinman that a party of the Cayuses and river Indians had been down and driven off some horses from the mission, and that he had left with his family soon after, thinking it unsafe to remain longer, I was induced to lead the few men that were with me (for we had been separated by the wind and could not get together), and press to this place by land with all dispatch, to save the houses from destruction, and I am happy to inform you that we arrived just in time, and that all is now safe. The natives immediately about this place are friendly, and hailed our arrival with much joy. Seletza professes friendship, but I shall keep an eye on him; his men have been killing cattle, and I suspect with his consent, though he promises to make them pay for them. We have been collecting the cattle and placing them below, in order to stop the slaughtering that has been carried on above. We have not yet learned the amount of mischief done at this place, but are getting things under way quite as well as I could have anticipated. Mr. Hinman has been of great service to me here; he leaves to-day to join his family, whom he left on the river.

We have no intelligence from Waiilatpu except Indian report, which if we may credit, is awful enough. It is said, after the murder of the whites at that place, a general council had been held, and that the Nez Perces were present by special invitation, *i. e.*, the chiefs; that it was determined to make a clean sweep of all the Bostons, including Messrs. Spalding, Eels and Walker above, and Hinman here; that they had, in execution of that resolution, returned and murdered all the women and children who had been spared in the first place, with the exception of three females who had been reserved for wives. Remember, this is only native news. I must refer you to Mr. Hinman for many other items I dare not write.

From all I can gather, the country east of the Des Chutes is all an enemy's country, and our movements should be directed accordingly. Can you have us two or three guns cast at the foundry? Each one would be equal in effect to fifty men. I am satisfied that the enemy is going to be much more formidable against an invading force than many in the Willamette are willing to believe. The Indians are all friendly with the Hudson's Bay Company's men, and I am truly sorry to learn that Mr. Ogden paid them powder and ball for making the portage at The Dalles. I hope this will be stopped and their supplies of ammunition immediately cut off. Please take some measure to effect this without delay. * * *

While writing the above, one horse which had been stolen from the immigrants has been brought in, and others reported on the way. I think most of the property stolen near this place will be returned; that above the Des Chutes will probably be contended for. The Indians about this place are evidently terrified, and I shall avail myself of that fact, as far as possible, in furthering the object of our trip. I have no fears of an attack on this place, yet I shall be as vigilant as though an attack were certain. The boats, which were wind-bound eight days, arrived this morning all safe and well. I remain

Your Most Obedient
Humble Servant
H A G Lee

There seems to have been a report circulated that the Americans under command of Colonel Gilliam were going to levy contributions on the Hudson's Bay Company for munitions of war. This created quite a flurry among our British cousins, and brought forth the following letter:

FORT VANCOUVER, December 31, 1847.

To Governor George Abernethy, Esq.—

SIR: A rumor having been in circulation for some days past, that it is General

Gilliam's intention to levy contributions on the Hudson's Bay Company's property, for the purpose of completing the equipment of the troops ordered out in your late proclamation, for the intended operations against the Indians, I feel it my duty to communicate with you frankly on the subject, as it is most important in the present critical state of our Indian relations, that there should be an entire absence of distrust, and that the most perfect unanimity should exist among the whites of every class. From my personal knowledge of General Gilliam, and his highly respectable character, I should be the last person to believe him capable of committing an outrage which may prove so disastrous in the immediate and remoter consequences to the peace and best interests of this country; at the same time, as the representative of a powerful British association, it becomes my duty to take instant measures for the protection of their property, until I receive through you a distinct disavowal of any such intention as herein stated. Difficulties of that nature were certainly not contemplated by us when we dispatched a large part of our effective force into the interior for the purpose of receiving the unfortunate women and children, the survivors of the massacre at Waiilatpu, who remained in the hands of the Indians. It was never supposed that our establishment would be exposed to insult or injury from American citizens, while we were braving the fury of the Indians for their protection.

Such a proceeding would, in fact, be so inconsistent with every principle of honor and sound policy, that I cannot believe any attempt of the kind will be made; but I trust this explanation will satisfactorily account for any unusual precaution observed in the present arrangement of this establishment. Trusting that this note will be observed at your earliest convenience, I have the honor to be your most obedient servant, JAMES DOUGLAS, *C. F. H. B. C.*

There is no doubt but what there was much idle talk among the volunteers probably to the effect that they would be justified in capturing Fort Vancouver and supplying themselves with ammunition, which was a very scarce article. Many of the citizens, too, honestly believed that McBean could have prevented the massacre of Dr. Whitman and others, or at least warned them, and rendered possible their safe transit out of the country. Consequently there was considerable animosity felt towards the Hudson's Bay Company, and but for the prompt departure of Mr. Ogden to rescue the captives, there undoubtedly would have been an open rupture. Although this humane act was given great credence, still, many thought it more an act of policy than mercy on the part of that company. There was no organization made or attempted to capture the fort, although the officers in charge were badly frightened.

OREGON CITY, January 3, 1848.

SIR: I received your favor of 31st ult., yesterday evening, and in answering it, would thank you for your frankness in communicating with me on the subject.

Having had conversation with Colonel Gilliam on this subject, I can state that he has no intention of levying contributions on the Hudson's Bay Company's property for any purpose whatever. He will probably cross the Columbia river at the mouth of the Sandy. I trust nothing will occur that will in any way cause distrust among the whites during this crisis.

The reports from above lead to the conclusion that Messrs. Spalding, Walker and Eells have been cut off, and the women and children spared in the first place, have since been murdered. Should these rumors prove true, we know that peace cannot be restored between the Indians and whites. Captain Lee informs me that Mr. Ogden paid the Indians powder and ball for making the portage. The legislature passed an act during their last session prohibiting the sale of powder, lead, caps, etc., to Indians. I trust you will see the necessity of complying with this act, which will be published in the next number of the *Spectator*.

I trust the disavowal in this letter will prove satisfactory to you. Your obedient servant,

GEORGE ABERNETHY,
Governor of Oregon Territory.

To the above letter, Mr. Douglas sent the following:

FORT VANCOUVER, Jan. 4, 1848.

Geo. Abernethy, Esq., Gov. of Oregon:

SIR. I have to acknowledge your letter of yesterday's date and consider it perfectly satisfactory. I place little confidence in the late report from The Dalles, and entertain sanguine hopes that they will prove unfounded. Whenever we receive intelligence from the interior, I will lose no time in communicating the same to you. The Indians have been always paid with ammunition and tobacco, by our travelling parties, for passing boats at the portages of this river, and I cannot see that Mr. Ogden had any reason to depart from the established practice on the occasion mentioned in your letter; as these Indians have no fellow feeling with the Cayuse, and behaved in the most friendly manner to his people, and I am convinced will not enter into any combination against the whites, unless there be great mismanagement on our part. In fact when we consider the object of Mr. Ogden's journey to Walla Walla, and that the lives of sixty or seventy fellow creatures were under Providence mainly dependent on the celerity of his movements, it cannot be supposed that he would allow any minor consideration to weigh one moment in his mind against the great object of their preservation. As he could not carry his boats over the portage of the falls, without the assistance of the Indians, it would have been an act of great indiscretion on his part, to have excited alarm and created suspicion in their minds, by withholding the compensation of two or three pounds of powder and lead, which they had been accustomed to receive for such services; when it was certain that the omission would be regarded as evidence of a hostile intent, and induce them to put every obstacle in his way; whereby the object of the journey must have been entirely defeated, and the unfortunate women and children left to their cruel fate. The general stoppage of ammunition will be in my opinion, an ill advised and harsh measure. The Thlecatats and other friendly Indians who live by the chase cannot dispense with ammunition. It has become to them a positive necessity of life, and they must absolutely starve without it. It is in fact a measure fraught with danger to the country. There is no saying how the Indians may resent a proceeding, which they will certainly regard, as an act of unjustifiable cruelty. To prohibit the sale of ammunition within certain districts in arms against the whites, would be the proper course, but to extend the measure to every part of this country, is to make the innocent suffer with the guilty, and a departure from the conciliatory course of policy, which we have always found to answer best with Indians, and will, I much fear drive them to the most desperate courses. I am now only expressing an opinion on what the law is reported to be, and await the next issue of the *Spectator* with some impatience, to discover its real character and value.

You may rest assured that we will do nothing improper, or which will in any way endanger the safety of the country. We have not yet heard from Mr. Ogden since he left The Dalles, but are now daily expecting to hear from him.

Your ob't sv't. JAMES DOUGLAS, *C. F. H. B. C.*

To the above which was published in the *Spectator*, Gov, Abernethy wrote the following reply. The object in publishing them was to allay the excitement created by the fact becoming known that Mr. Ogden had paid the Indians powder and ball to transfer their boats around the portage at The Dalles, a custom that had been in vogue for years. To this an emphatic protest was sent to the Governor, as it was at that time not really known whether the Wascopam Indians were friendly to the Americans or not. If not, this same ammunition might be used against them. This uncertainty was the cause of the ill feeling against the Hudson's Bay Company, which was also augmented by the well known fact that they the (H. B. C's sevants) and Catholic priests could travel through the country without molestation.

OREGON CITY, Jan. 10, 1848.

SIR. I received your welcome letter of Saturday (Jan. 4), yesterday morning, and return you my sincere thanks for the gratifying intelligence it contained. I had begun to fear for the safety of all that was in the upper country. These fears are happily dispelled. I shall be very happy in communicating with Mr. Ogden. Indeed had you not informed me that he would be here to-day, I should have left this morning for Vancouver. Should you wish it, I will have your letters of 31st ult. and 4th inst., together with mine of Jan. 3d, published in the next *Spectator*, if not, I think it advisable that Mr. Ogden should state his reasons for giving powder to the Indians, viz: not to excite any alarm among them, which was the reason Mr. McKinley gave me. Your ob't sv't.

JAMES DOUGLAS, ESQR. GEO. ABERNETHY.

Under the excitement at the time and circumstances, it is not strange that a stringent law prohibiting the sale of powder and lead to Indians was passed. Still it was an unwise act. The Indians, especially those who had had intercourse with the Hudson's Bay Company and the Americans, had discarded the ancient bow and arrow. They were not able to hunt successfully, as game had become scarce and harder to secure. It is true, that some of the Indians may have supplied the hostiles with ammunition, but if they had been warned that they could not have any more if they so disposed of it, they would not have done so if the penalty had been rigorously enforced. The officers of the Hudson's Bay Company knew their circumstances and character well, and their prediction was nearly fulfilled by Pe-pe-mox-mox who threatened to join the Cayuses, and would have done so but for fear of the number of troops at that time in the country.

When Captain Lee with the first company of Oregon Riflemen arrived at the Cascades on his way up to Wascopum, he sent the following:

CASCADES, Dec. 16, 1847.

GOV. ABERNETHY. *Dear Sir:* The return of the bateaux affords me an opportunity of sending you a line. Because of the extreme lowness of the water, we were compelled to make a land portage with the boats. I am happy to say it is now done, and will leave in a few minutes for The Dalles. I have heard nothing from the mission there since I left you, except an Indian report as follows: "Six Indians (Cayuse and river Des Chutes Indians) came to The Dalles and endeavored to get the Wascopams to join them in murdering the whites and taking the property. But after making medicine a day or two, they disagreed among themselves, and one was killed by another. The Wascopam's refused to join them and they had gone away. The Des Chutes Indians had joined the war-party and intended to fight. This was learned from an Indian who was leaving The Dalles with his family—he thought the mission was taken the day after he left, and that Mr. Ogden got there that evening (Saturday). I am happy to say there has been the utmost good feeling in the company, a general spirit of perseverance worthy of the confidence placed in it.

There are a few sick with colds, etc. Please advise the next company to come in small boats and canoes—such as they can readily bear on their shoulders overland, for they cannot be taken by water with safety at this stage of water. I have drawn upon you for the expense of the bateaux.

In haste, your most obedient servant. H. A. G. LEE.

As it was not known at this time that the American forces had taken possession of California, the Governor addressed the following letter to Commodore Shubrick which explains itself:

OREGON CITY, Dec. 28, 1847.

SIR. The present state of affairs in Oregon induces me to address you on the subject. I enclose herewith two papers which will inform you of our situation, and the necessity there is of sending aid if in your power, as soon as possible. A sloop-of-war anchored in the Columbia river at Vancouver or near the mouth of the Willammette river, would exert a powerful influence in our behalf. The Indians would be led to believe that our chief, of whom they have often heard, was ready to examine into and punish any wrongs they might inflict on American citizens. A supply of ammunition could be furnished to repel any attacks they might make on us, and would also let the citizens of the United States dwelling in this distant land know that they were not neglected. A vessel drawing 16 feet of water, can enter our harbor in safety, one drawing 15 feet, can I believe get up the Columbia at any season of the year with proper caution. I am aware that the present season is not the most favorable for entering our river and ascending it, still merchantmen enter and depart at all seasons of the year. Believing that you will do all you can to render us assistance; I have the honor to remain yours truly.

To W. BRADFORD SHUBRICK. GEO. ABERNETHY,
Commander Pacific Squadron. *Governor of Oregon.*

Mr. Douglas was so confident that the law would create trouble with the Indians, that he wrote the following to Dr. W. F. Tolmie who had charge of the station at Nisqually:

FORT VANCOUVER, Jan. 18, 1848.

The Legislature has passed a law prohibiting the sale of powder, lead and caps to all Indians. I consider it a dangerous measure, which will excite the Indians more and more against the Americans; they will starve without ammunition, and distress may drive them to dangerous courses. They will prey upon the settlements, and slaughter cattle when they can no longer hunt the deer. Represent this to the Newmarket[1] men. It is oppression, not kindness, that will drive the Indians to acts of hostility. Use all your influence to protect the Newmarket people, and tell them to be kind and civil to the Indians. Use your discretion about the powder and lead prohibition; you need not enforce the law if it endangers the safety of the country. The Americans about this place are all exclaiming against it, and are serving out powder to the Indians themselves to protect their stock. You ought, in my opinion, to get the fort enclosed immediately, and bastions put up at two of the corners. If your own people are not sufficient, hire hands to assist you; the sooner that precaution is taken the better. JAMES DOUGLAS.

It was at this time that, as before related, a resolution was passed by the Legislature appropriating $500 to send a messenger across the continent to Washington City, with dispatches and a memorial to the President and Congress, and Joseph L. Meek, a member of the Legislature, and who had spent several years in the mountains as a trapper, was chosen to make that perilous journey. He was supplied with the following letter of introduction:

OREGON CITY, December 28, 1847.

SIR: The bearer, Joseph L. Meek, Esq., has been appointed by the Legislature of Oregon Territory, special messenger to carry dispatches to Washington City. His journey will be an arduous one, and I would recommend him to the favorable notice of Your Excellency. I have the honor to be, &c.,

GEORGE ABERNETHY,
Governor of Oregon.

To His Excellency,
JAMES K. POLK, *President United States.*

To place the army on a good footing the following officers were commissioned and entered actively upon their duties with a determination to punish the Cayuse tribe:

Colonel, Cornelius Gilliam (accidentally killed); lieutenant-colonel, James Waters (promoted to colonel); major, H. A. G. Lee (who had been appointed lieutenant-colonel but resigned in favor of Waters, and when Waters became colonel Lee was chosen lieutenant-colonel); adjutant of regiment, B. F. Burch; surgeon, W. M. Carpenter; assistant surgeons, F. Snider and H. Saffaraus; adjutant-general, A. Lawrence Lovejoy; commissary-general, Joel Palmer; quartermaster, B. Jennings; paymaster, L. B. Knox; judge advocate, Jacob S. Rinearson.

The following letter was received by the Governor from James Douglas in regard to the rescue of the captives:

FORT VANCOUVER, January 8, 1848.

George Abernethy, Esq.—

SIR: Mr. Ogden has this moment arrived with three boats from Walla Walla, and I rejoice to say that he has brought down all the women and children from Waiilatpu, Mr. and Mrs. Spalding and Mr. Stanley the artist. Messrs. Walker and Eells were safe and well; they are not considered to be in danger. The reports of the later murders committed at Waiilatpu are all absolutely without foundation, not a life having been lost since the day of Dr. Whitman's death.[1] Mr. Ogden will visit the Falls on Monday and give you every information in his power respecting the Indians in the interior. The Cayuses, Walla Wallas, Nez Perces and Yakimas are said to have entered into an alliance for mutual defense.

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[1] An American settlement at the south end of Puget's Sound.

In haste, yours respectfully,

JAMES DOUGLAS.

As Captain Thos. McKay and his company of Canadian Frenchmen were passing through Oregon City to the seat of war, a flag, emblematic of the present situation of the country—a lone star with several stripes, made by some citizens for the company, was presented to the company by their captain, accompanied by the following short address: "This is the flag which you are expected to defend, and you must defend it, too!"

Colonel Gilliam gathered his men as rapidly as possible and left Portland January 12th, arriving at The Dalles on the 23d with fifty men, as he had heard by express messenger that a skirmish had occurred on the 3d of January, and was fearful that Captain Lee would be cut off. The rest of the regiment arrived on the 25th. I will refer the reader to the reports of those officers.

Governor Abernethy wrote the following to Colonel Gilliam:

OREGON CITY, January 10, 1848.

SIR: * * * I received a letter from Mr. Douglas yesterday, informing me that Mr. Ogden would be at Oregon City to-day and "give me every information in his power respecting the Indians of the interior." This letter contained the highly gratifying intelligence that Mr. Ogden had brought down to Vancouver all the women and children from Waiilatpu, Mr. and Mrs. Spalding and Mr. Stanley, the artist. Messrs. Walker and Eells are safe and not considered in danger. This now takes away the pressing necessity of a forced march to Walla Walla. As soon as I have an interview with Mr. Ogden, I shall visit your camp. I remain yours truly,

GEORGE ABERNETHY,
Governor of Oregon.

COLONEL GILLIAM,
First Regiment Oregon Riflemen.

The captives arrived at Oregon City, January 11th, under the immediate charge of Mr. Ogden, and were received with much rejoicing by the people of that town. They were turned over to Governor Abernethy, and soon found homes among the people of the valley, who, with that generosity characteristic to the frontiersman, did everything for their comfort. The following letter was addressed to Mr.

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[1] This is a mistake, Crockett Bewley and Amos Sales were killed three days afterwards.

Ogden by Governor Abernethy in acknowledgement of his generous and successful achievement:

OREGON CITY, January 19, 1848.

SIR: I feel it a duty as well as a pleasure, to tender you my sincere thanks, and the thanks of this community, for your exertions in behalf of the widows and orphans that were left in the hands of the Cayuse Indians. Their state was a deplorable one, subject to the caprice of savages, exposed to their insults; compelled to labor for them, and remaining constantly in dread lest they should be butchered as their husbands and fathers had been. From this state I am fully satisfied we could not have rescued them, a small party of Americans would have been looked upon by them with contempt, a larger party would have been a signal for a general massacre. Your immediate departure from Vancouver on the receipt of the intelligence from Waiilatpu, enabling you to arrive at Walla Walla before the news of the American party having started from this place reached them, together with your influence over the Indians, accomplished the desirable object of relieving the distressed. Your exertions in behalf of the prisoners will no doubt cause a feeling of pleasure to you throughout life, but this does not relieve them nor us from the obligations we are under to you. You have also laid the American Government under obligations to you, for their citizens were the subjects of this massacre, and their widows and orphans are the relieved ones. With a sincere prayer, that the widow's God, and the Father of the fatherless may reward you for your kindness, I have the honor to remain your obedient servant.

To PETER SKEEN OGDEN, GEO. ABERNETHY,
Chief Factor Hon. H. B. Co. *Gov. of Oregon Territory.*

To this Mr. Ogden wrote the following reply:

FORT VANCOUVER, Jan, 26, 1848.

Mr. George Abernethy, Esqr.—Gov. of Oregon:

SIR. I have to acknowledge the receipt of your highly flattering letter of 19th inst., and the high value you lay on my services in rescuing so many fellow creatures from captivity, but the meed of praise is not due to me alone. I was the mere acting agent of the Hudson's Bay Company, for without its powerful aid and influence, nothing could have been effected, and to them the praise is due—and permit me to add, should unfortunately, which God avert, our services be again required under similar circumstances, I trust you will not find us wanting in going to their relief.

Believe me Yrs truly

Peter Skeen Ogden

Hon. Willard H. Rees, in his annual address before the Oregon Pioneer Association, says:

"I served under Gen. Joel Palmer as commissary agent, during the Cayuse war, at French Prairie, and I can assure you that those old pioneer Canadians gave quite as liberally of their own means to supply the volunteers in the field, as did the people of any other portion of old Champoeg county. Being desirous of placing upon our records something to show the feelings and position occupied by this people during this exciting and critical struggle, and in defense of their truth and fidelity to the Provisional Government against all unjust aspersions. The following preamble and resolutions unanimously adopted at a meeting composed of more than 100 Canadians, held on French Prairie, is copied from the *Oregon Spectator*, Jan. 20, 1848.

WHEREAS, It is believed that several of the Indian tribes east of the Cascade mountains have formed an alliance for the purpose of carrying on hostilities against this colony, and

WHEREAS, The exigency of the times calls for prompt and energetic action on the part of the people of this Territory, in enlisting and mustering into service the number of volunteers required by the Executive; therefore,

Resolved, That we deem it highly expedient to raise, arm and equip, one company of Riflemen to proceed immediately to join the regiment at Portland.

Resolved, That the Canadian citizens of Champoeg county, feel it their duty to assist our adopted country in the prosecution of the war against the Cayuse Indians, for the horrible massacre committed by them upon American citizens at Waiilatpu.

After which, a call was made for volunteers, when thirty came forward and enrolled their names. Thomas McKay was chosen Captain.

It was first intended that the messenger to the States, Joseph L. Meek, should go by the way of California, and deliver dispatches to Commodore Shubrick. But that intrepid trapper and mountaineer chose the route via Fort Hall, so it became necessary to select a messenger for California, and Rev. H. H. Spalding contributed $500, the amount required to defray the expenses of the trip. Hon. Jesse Applegate was chosen, who selected a company of sixteen men including himself, and started on what proved to be an arduous but unsuccessful trip. The following is the letter of appointment:

OREGON CITY, Jan. 25, 1848.

DEAR SIR. As Mr. J. L. Meek is still at The Dalles, and does not intend going to California, Rev. H. H. Spalding proposed advancing a sum not exceeding $500 to be paid at Vancouver, any time after March 20th next, for the purpose of sending a messenger with dispatches to California. I immediately proposed you as the man, and as the Vancouver funds will just answer your purpose, and can at the same time render essential service to this country by informing the proper authorities of California of our situation. I see nothing in the way to prevent your immediate departure. If you conclude to go, let me know how much you will require to fit out the mission? If a Government vessel comes up soon, you can return on her. I received a letter from Maj. Lee last Sunday, in which he informs me briefly, he has had a skirmish with the Indians who were running off the cattle. Some of our men went to bring them back, not seeing but two or three Indians, but some 25 of them were hidden among the hills and rocks. Fortunately, more men were sent out, when a fire was opened upon them by the Indians, and a running fight took place. One of our party was wounded in the leg. It was thought some of the Indians were killed, as two horses saddled were left on the field. Soon after this, our own men being out on an expedition, brought in about sixty horses, so this puts the party on horseback. Thus you see the war is opening and the Indians are uniting against the Americans. You cannot set forth in too strong a light the absolute necessity of a man-of-war being sent forthwith. We see that the Indians look on the Hudson's Bay Company as friends; on the Americans as enemies. Catholics remain unharmed among them. Protestants are murdered. Why that is so, I cannot say, but that it is so we all know. Mr. Spalding says that the Indians say that no American or protestant shall live among them. They know they murdered both Americans and Protestants. I should like to see you before you start, but this would be wasting time. This package contains letters and papers for Commodore Shubrick and Gov. Mason. I have not time to write any more, but hope to learn in a few days that you have left, and I hope you will succeed in inducing a man-of-war to visit us. Should you need a small sum in advance, you can draw on me, and I will draw on Mr. Spalding for the amount. Remember you will be going south and getting into a warmer climate.

I remain yours truly,

JESSE APPLEGATE, GEO. ABERNETHY, *Gov. of Oregon.*

The following is an iteresting account of the trip written by Hon. John Minto, who was one of the party:

* * * The party consisted of sixteen men, including the bearer of the dispatches, the Hon. Jesse Applegate. Capt. Levi Scott, commanded the company. Two of his sons, John and William Scott, Walter and Thomas Monteith, A. A. Robinson, Wm. Gilliam, Joseph Waldo, James Campbell, James Fields, James Lemon, John Tice, Solomon Tethero, George Hibbler and John Minto, made up the party. The plan was to pass to California via Klamath lake and Pitt river country, passing the Sierra Nevada range by the valley of the latter or some other confluent of the Sacramento. Little was then known of the country we intended to traverse, but it was believed that if we found the country as bare of snow as the mildness of the season in the Willamette valley gave reason to expect, we could make the trip either by the way indicated, or by striking and following the route pursued by Col. Fremont a few years previous.

The party rendezvoused on the south bank of the La Creole, about opposite the present town of Dixie, in Polk county, and thence started about Jan. 28, 1848. Each man furnished his own saddle and pack horse, gun and blankets. Ammunition, flour and bacon were furnished by the settlers, under some arrangement that I never fully understood, only that the worth or cost of these latter articles should ultimately be paid by the Government. The party were without tents or shelter of any kind, and the bedding of each individual had to be used under a doubling up process in order to secure comfort. From the time of departure, the party had plenty of wet to encounter, overhead and under foot, bridges and ferries being little known then in the country we traversed. From the South Umpqua southward, we had nothing but hostilities to expect from the Indians, as up to that time a weak party was almost sure to be attacked in passing through the Rogue River valley. We made fair progress until reaching a point in that valley above the place where the old California trail came into it; thence bearing eastward rather than south, we soon struck the snow line of the mountains. From the point where the party first struck the snow we penetrated into the mountains (on the line blazed by Messrs. Applegate and Scott the previous year for the first party of immigrants by the southern route), a supposed distance of twenty five miles towards Klamath lake. At this point, the snow being about *four* feet deep and still higher ground to pass in order to get to Klamath lake basin, the Captain concluded he would have to abandon the attempt to proceed, as even if the horses could have traveled in such a snow, there was no green thing for them to eat, but the poison laurel. Mr. Applegate, feeling keenly the responsibility of the success or failure of the enterprise, said he felt impelled to try to go forward, and would do so if any one of the party would go with him. His call for volunteers resulted in an even division of the party. Eight, consisting of Mr. Applegate, Solomon Tethero, Jas. Fields, James Lemon, A. A. Robinson, Walter and Thomas Montieth and the writer volunteered to go. The plan to go forward if possible being for these eight to make snowshoes, take eight days' provisions to each man and try to push their way through; Captain Scott and seven men returning to the Willamette valley with all the horses. The next day after this was concluded on, the Captain and party started back, and Applegate and party spent the day in preparing snowshoes. None of the party knew how to make them, and we did not have the proper material. The best we could do was to bend rods of willow into nearly oval shape, about twenty inches the longest way, and into the hoops so formed, weave a network of buckskin thongs. By taking our gun covers and other pieces of this material or rawhide as we had among us, we made such a set of things, whether snowshoes or not, as would keep each of us upon the surface of the snow.

Next day we made trial of traveling with them. It soon became manifest that the lightest man could get along best, and it was proven, on the first day, that the heaviest (Mr. Fields) was utterly unable to proceed. Early on the first day, Mr. Fields began to break or stretch the thongs of his snowshoes and getting them turned edgewise, so that he would sink down in the soft snow. This, while the snow was not more than four feet deep, was not the occasion of much extra fatigue, only it delayed the whole party by stopping until he could refix them. But as we advanced the snow deepened and the labor became excessive, and before night the party were passing over snow about six feet deep on the level, and in places where drifts lodged, much deeper. When Mr. Fields went down in such places, there was no other way but for some of the rest to take his gun and pack, and generally two others would throw him on his beam end, as sailors would say, and fetch him out of his hole sidewise, set him up and refix his snowshoes. This became so tiresome as to make Mr. Fields sick before night, and after striking camp, the first question that presented itself to the party was whether we should leave him behind us next morning and push on (taking the unexpected depth of the snow where we were, as good evidence that the Klamath lake basin was also under snow, which being the case would render the accomplishment of our journey, with our then means, utterly impossible), turn back and make for the Willamette again.

After extracting all the information we could from Mr. Applegate as to the lay of the country between us and Klamath lake, we concluded that in all probability the country around it was under at least two feet of snow. A vote was taken on the proposition to leave Mr. Fields and go forward or all stick together and go back, and it was carried in favor of return seven to one. This concluded on, the determination was taken to overtake our comrades if we could. The next morning we started with that object in view, and in four days and nights forced marching we came up with them and our horses, near the present site of Canyonville, on the South Umpqua. These four days were the roughest in all my experience of frontier life, and the whole trip was a hard one, compared with the ordinary life in camp and on duty with those who were in the Cayuse country, according to the experience of Thomas Montieth and James Lemon, who went up there after our return about the 4th of March.

We had proof within a few hours after we commenced our return that if we had left Mr. Fields or any other member of our party, it would have been almost certain death by the Indians, for we met them tracking us in the snow, and their precipitate retreat when they discovered us ready for them, betrayed their design. Nor is it at all probable that any of us would have succeeded in getting through to California by the route we contemplated, at that season of the year, at least that was the opinion of Mr. Walter Montieth, who with his brother, passed that way to the gold mines the succeeding autumn. There were no lives lost either of or by the party. We did not fire upon any of the Indians we saw, but sometimes were as near doing so as well could be. JOHN MINTO.

The failure of this expedition was a severe disapointment to Governor Abernethy as well as to the brave men who made the attempt, although it is probable that if they had reached California in safety they would have obtained no relief for the sorely pressed people of Oregon, as at that time, all of the Pacific squadron were fully employed in guarding the different stations captured from the Mexican forces.

Immediately after Col. Gilliam's arrival at Wascopam, he wrote the following showing the condition of the army in regard to provisions and other necessaries for prosecuting the war:

FORT WASCOPAM, Jan. 25, 1848.

Joel Palmer Esq.:

SIR. I hope you will use every exertion to forward provisions to this place. We have only enough to supply the men until the boats return. I wish to move forward, as we are doing no good by remaining here, and cannot move until we have a better supply of provisions. Yours truly, C. GILLIAM.

FORT WASCOPAM, Jan. 25, 1848.

His Excellency. Gov. Abernethy:

SIR. On reaching the Cascades, I received a letter per express from Maj. Lee, informing me of a skirmish which he had with a party of Cayuse Indians at this place, and that he expected an attack upon the place daily. I immediately started with a company of fifty men and reached here on the 23d. The main body arrived this evening. The men are in good spirits and health, the horses are much jaded, and many of them will not be fit for service until they rest and recruit.

The hostile Indians are in the vicinity and frequently seen. Our horse guards were driven in this evening, after exchanging a shot or two with the Indians. I have learned that there is a party of the enemy living on the Chutes river, who have a large number of horses and cattle, many of which they have taken from this place, and from the Indians living near. I shall leave to-morrow with as many men as can be mounted, for Chutes river, and endeavor to obtain possession of the stock they have. They will probably give us battle, as I learn from the friendly Indians that they tell them that they wish to see us there and will fight us.

I wish that every exertion may be made to forward provisions to this place. I am anxious to take the field and proceed to the enemy's country, as soon as we return from the expedition to Chutes river. With the addition which will be made to the army when Lt. Col. Waters arrives, I shall be enabled to proceed. It is highly necessary that a sufficient number of men may be sent to the Cascades to protect that place and assist in making the portage of provisions.

I remain yours, &c.

C Gilliam
Col. 1st Regt. O Rifles

CAMP DE CHUTES, Jan. 29, 1848.

Mr. Sheldon:

SIR. Immediately on receipt of this, you will send fifty men with provisions and ammunition. Mr. Jennings will send a good supply of provisions, as we are out. The Indians will pilot the men to the upper crossing on the Des Chutes river. The enemy are encamped in a canyon a short distance above. Maj. Lee with a party of eighteen men had a skirmish with the Indians yesterday, one Indian killed and more wounded; also one of our friendly Indians killed. If Lt. Col. Waters has arrived, he will take command of the party. We start this morning for the place where the enemy are encamped. We shall not reach the place in time for any action to-day, but are in hopes of meeting them to-morrow. Forward the provisions and ammunition as soon as possible. Yours in haste.

R. WILCOX, *Adjutant.*

February 3d, Superintendent of Indian Affairs, Joel Palmer and Dr. Robert Newell as one of the commissioners, accompanied by Mr. Perin Whitman (nephew of Dr. Whitman) as interpreter, started to The Dalles to join Maj. Lee in holding a council with the Nez Perces and neighboring tribes of the Cayuse Indians, in accordance with a resolution passed by the Legislature on that subject. They bore the following letter of instructions from the Governor:

OREGON CITY, Feb. 1, 1848.

GENTLEMEN. The object in appointing you commissioners to treat with the Nez Perces and other tribes of Indians is, if possible, to avert a general war with the Indians of the upper country, and to prevent a union among the tribes as far as possible. To effect this, every effort should be made on your part, as far as consistent with the honor of American citizens. There are some requisitions that must be complied with on the part of the Indians, and must be insisted on by you, viz.: All the murderers and those who forced the young women, must be delivered up for punishment. The property taken must be given up or an equivalent given; and restitution made of the property stolen from the emigrants last year. This you cannot ascertain, but it can be so arranged that the persons who had property stolen from them can get it hereafter, or an equivalent. I am aware the greatest difficulty will be in obtaining the persons of the murderers, but the Indians must be given to understand in the commencement of the negotiations, that this must be done, or that no compromise can be made.

There may be some among those that are implicated in this affair around whom some palliating circumstances may be thrown; these you will take into consideration. But the principal actors should be executed in the presence of all the tribes. You will hold a council with a field officer of the army and decide in council what steps shall be taken to accomplish the most desired object, the restoration of peace. You will use every exertion to have the lives and property of our fellow-citizens that may hereafter be traveling through the Indian country, preserved. The chiefs are able to govern their own people. Make as advantageous a treaty with them as you can; bind them to use their influence to protect American citizens. On your arrival at The Dalles, you must be guided by circumstances as to the time and place of meeting the chiefs, but let runners be sent among them, informing them of your intentions and object. I have the honor to be gentlemen, your obedient servant.

GEORGE ABERNETHY,
Governor of Oregon.

Rev. H. H. Spalding also sent the following letter to the Nez Perces chiefs. In the style of writing, the original letter is a curosity, being in pen letters as near printing as possible, so that those who could read a printed book could read his letter. It is evident that those to whom it was sent were unable to read manuscript:

WILLAMETTE, Feb. 1848.

Nez Perces Chiefs:—MY FRIENDS. Ellis, Kansoot, James, Yusinmalakin, Luke, Jacob, Pocatash, Yamahmohnin, Yumtamlikin, Timothy, Solomon, Ishtoop-toop-nin, Tsel-soo-talet-mctum, Joseph, Kepop, Apshwahaikt, Richard Hemimelsselp, Jason, Anatashin, Tohtamatum, Haposelpelp, Metatwaptash, and Noah, quick meet them: with these flags meet them, with good hearts meet them; From us, from the Americans, five go to meet you; Mr. Palmer, Dr. Newell, Mr. McKay, Mr. Lee, and Mr. Gilliam. These meet you with good hearts they meet you; they bear a message (proposals, law or talk), from the Great Chief they bear it, therefore they call you to meet them. Keep quiet, ye young men. Do not go over to the Cayuse. Wait till the commissioners speak clearly to you. The good are not to be punished; only the bad are to be punished. The Nez Perces and the Americans are one, therefore do not depart from us. Very many Americans are going to seek the bad Cayuses—the bad only. There will soon be large ships from California; therefore they offer you a message, proposals of peace. They send you tobacco, therefore meet them without delay. My youngest child is sick, therefore I cannot meet you. When my child is well, I will see you, by the blessing of God. Ever make to yourselves good hearts. By the blessing of God we may see each other.

H. H. SPALDING.

There is no doubt that the above letter had great influence for good with the Nez Perces chiefs, as Mr. Spalding was highly esteemed by them.

The following was written by Maj. Lee and needs no special explanation:

FORT WASCOPAM, Jan. 20, 1848.

DEAR SIR. Sergeant McMillen arrived safely on the 14th inst., bringing me intelligence from the valley up to the 7th. I am glad something is being done towards the prosecution of the war, but I am truly sorry that there has been so much delay. My situation for the last week, has been anything but desirable. On my arrival here, I informed the Indians that many others were just behind me and would be coming all the time, and that this place would be occupied by the "Bostons" *quanasqm.* I have been here just one month and no company yet. The natives are all the time wishing to know when the other "Bostons" are coming—and I have answered them "wake siah" till I am *ashamed* to say again. Many of them were at first disposed to be friendly and keep on the good side of the 'Bostons," who are now siding with the enemy—thinking no doubt, that we have spoken falsely to them, that no more are coming; and we would be unable to defend ourselves against so large a force as the enemy will bring against us.

Hearing that Col. Gilliam was at the crossing, twenty-five miles below this place and could not cross on account of high wind, and at the same time being assured that a body of the Walla Wallas, &c., were in the vicinity contemplating an attack, I was induced to start an express to induce him if possible to reach this place in time to pursue them, for I feared they might succeed in breaking the corral at night and running our horses away, leaving us as poor as we were on our arrival. This express was entrusted to the hands of Mr. Olney, who about 9 o'clock at night on the 17th with no one but an Indian guide, set out on horseback for the crossing, with orders to go as far as the Cascades falls, if he did not meet the party sooner, but to return from the Cascades whether he met them or not. He returned last night at 2 o'clock with the following intelligence: "I arrived at Fort Gilliam[1] the next morning after I left you, for when I reached the village at the crossing, I learned the Colonel was not there: I took a canoe and pressed to the fort where I found only two men, who could give me no news of Gilliam later than that of Sergeant McMillen. They were expecting boats with stores every hour; so I remained that day and night, and there being no arrival, I left in the morning on my return and am here safe." I confess, sir, this provokes me in despite of all my philosophy. I feel that we have been disappointed, and only appear as deceivers in the estimation of Indians. Yet I will bear it, and use all my *persuasive* powers to reconcile the men to their lot. You know they expected re-inforcements before this, and they feel themselves unjustly detained. For myself, I have no thought of leaving the place or of suffering it to pass into the hands of the enemy as long as I can raise a hand in its defence, and I am happy to be assured that *many*, a large majority of the First company are of the same spirit—and if our friends in the valley are *brave* enough to leave us in our present situation, after getting us into it, we are determined to be *generous* enough to battle with the enemy and defend ourselves as long and as well as we can.

We had one battle, or rather a skirmish, which did us some good by arousing us, showing us the Indian mode of fighting, and also showing us who among these treacherous beings are really friends and who are not. There was no one killed on either side. We had one man, Mr. Berry, slightly wounded. Being on foot, and the enemy mounted, we were unable to ascertain the damage done them, further than the capture of two of their horses with their rigging. Seletza has shown himself a *true man*, and a decided friend to us, and in doing so, has suffered the loss of all of his propety which the enemy has taken and run off—he is with us and of great service. He has a gun and a rifle at Mr. Lummez's shop for repairs for which he has paid Mr. Lummez a horse—he wants them very much. Please send them.

The Des Chutes Indians have joined the enemy and fought with them. We have since made a tour amongst them and regained several stolen horses, taking many others which we intend to use during the campaign, so that we are able to mount ourselves pretty decently. From the experience of one lesson, we are pretty well prepared to meet the enemy in their own way and upon their own horses, and we intend to do it. Mr. Ogden—what shall I say of him? He passed down in a great splutter as usual. Is decidedly opposed to our attempting the correction of the Cayuses. He says we can do nothing with them; that all the tribes will unite against us, and that the idea of sending a party up there this winter is the wildest notion he ever heard of; and even went so far as to say that we had better burn the buildings here and go back to the valley. It is possible that he has checked the movements below? If so, please let us know what we are to depend on, and we will die in the midst of the enemy, or fight our way through them [illegible] our native land and leave our brave countrymen in Oregon to enjoy the rich reward of their valor. Allow me to tender to you, and through you, to my friends, my hearty thanks for the confidence they have placed in me and the high compliment paid me in placing me in the *staff* of the Oregon army. I will do my duty as far as I can know it, and am competent to discharge it.

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[1] A small fort built at the Cascades.

Our provisions are holding out better than we expected. I sent a party to the gate[1] for the ammunition there, before I received your order by McMillen. Ordering them to take nothing but ammunition or such things as would be useful to the enemy in warfare. They brought powder and lead, but no caps, we need so much. Huzza! Here they come!! While writing, a party from the Quartermaster have arrived for boats and report Col. Gilliam at the Cascades yesterday when they left with 250 men. Oh, what a change in camp. Mr. Jennings sent six men for the boats, and requests me to furnish enough more to move the boats with dispatch. Some of my company wish to return to the valley. I send them with the boats, viz: Lieut. Ross, on furlough; A. Lytle, A. Greenleaf, Jas. Fields, G. W. Weston, discharged. Joined the first company Oregon Riflemen, Dec. 12, J. T. Lassater; Jan. 15, H. Carnehan, Alex. McDonald, Sam'l Bently.

We are all in good health, and at present in very fine spirits. In a few days more we will be through the disasters of war, in the country of the enemy, and pay them well for new, as well as old outrages with good interest. Mr. Ogden's opinion to the contrary notwithstanding.

In haste, yours truly.

A. G. LEE,
Captain 1st Co. O. R.

GEO. ABERNETHY,
Commander-in-Chief O. A.

The following letter written by Cornelius H. Defendorff, commissary of the first company commanded by Captain Lee, gives a fuller account of the battle and state of affairs than Capt. Lee does in the preceding letter.

THE DALLES, Jan. 17, 1848.

MR. LOVEJOY. Previous to the reception of yours of 4th inst., which arrived on the 14th, serious apprehensions were entertained, that the government of Oregon would do little or nothing for our relief. But by that and various other information which was received by the express, we not only found that the Government had done more than could be reasonably expected, but also that the people of Oregon had not forgotten that spirit of patriotism which glowed so warmly and freely in the bosoms of our American fathers of '76. Friend Lovejoy, with such a spirit at home, together with that which is manifested in the field what is no less noble—no less patriotic, our arms and efforts cannot fail to be crowned with success and glory; but whilst this is the fact so cheering in its nature, it is no less a fact that some of the severest difficulties will be its necessary attendants. For when we glance at our position, far removed from the arm of protection, at our numbers—infant like in point of power, at our resources, blighted with an empty treasury; at our credit dishonored even by those among us; and then turn and view our enemy—numerous in number, barbarous in principle, transient in their very nature, whose homes are unfettered by civilization, with almost a boundless waste before them to cover their retreats, such conclusions irresistibly force themselves upon the mind. But however this may be, I hope and trust that the Government of Oregon will prosecute with due vigor and effect the war already commenced, by one vigor and steadiness. I mean that it should be prosecuted in a steady and unrelaxed determination, but not in such a manner as would drive the several nations into combination and retard the final settlement of the war.

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[1] Toll gate at east end of Barlow's road across the Cascade mountains.

By the war already commenced, I have reference to the skirmish that took place on the 8th inst., which was brought on in the following manner: On the morning of that day, as Captain Lee ordered up some horses to form a party of horsemen for the purpose of escorting to this place the family of Seletza, an Indian chief whom the Cayuses and the Des Chutes river Indians had robbed; some Indians were seen off in the east, about two miles from this place herding cattle and horses for the purpose of driving them off. A short time after this was discovered, Barlow and Bosworth, forming an idea that our party would soon follow and overtake them, proceeded thither. They had been gone but a short time when serious apprehensions were entertained in camp of their being cut off. Capt. Lee immediately with some five or six horsemen went to their relief, and they no sooner arrived on the ground, than the natives opened fire upon them. Soon after ten more of our men went on foot to their rescue, by this time the engagement was fairly commenced, but owing to the great distance that intervened between the Indians and our men, taking up the mode of Indian warfare, they fired to little or no purpose. After a continuation of about two hours, the engagement ceased in the retreat of the natives. During the engagement, Mr. Berry, of Oregon City was shot in the leg, and it was supposed that one of the Indians, together with several horses, were severely wounded. The parties to this action were about sixteen Americans against twenty-three Indians, eight of whom were Cayuses. On the morning of the next day, another party made an attempt to rescue the family of Seletza. They proceeded until they were nearly at the place, when the beheld at a distance a band of horses, which they proposed to drive in. They did accordingly and brought in some fifty or sixty horses. This to us was quite rich booty, for up to this time, we could not with our best exertion raise scarcely more than eight or ten horses.

The third day, a party of 25 men again started out and brought in Seletza, family and people, who remain with us at present. It appears from the best account that I can gather, that this man was robbed of property amounting to about $1,000, for no other provocation than that he was friendly to the Americans and endeavored to prevail upon his people to restore to the immigrants the property that they had pilfered from them. He has been of considerable service to the government, he may be still more so, and I do sincerely hope, whatever may be the result of this war, that the government will appreciate his services according to its merits. Since then, nothing of note has transpired, save the reception of vague Indian reports, stating at one time, that the Spokanes, the Walla Wallas and the Nez Perces had joined the Cayuses; and at other times, that the Cayuses did not wish to enter into hostilities with the whites, but were willing to deliver up the perpetrators of the murder of Dr. Whitman and family.

Until this evening when Seletza's spy returned and reported that there was a large body of Indians collected on this side of the river (Des Chutes), who from all appearances intended to make an attack upon this place to-night. We accordingly made all arrangements, and Capt. Lee, in the meanwhile, sent an express to Col. Gilliam for the purpose of notifying him of our situation. Thus prepared, we silently but calmly awaited their appearance. That night has passed, and still another, yet the enemy, though they were reported in our vicinity last night, have not made their appearance. This morning an Indian from the Indian village near Mr. Barlow's camp, brought in a horse belonging to Mr. Hinman. He says that Voluptutic, the Indian chief in whose safe keeping the immigrants gave their property, is quite anxious that it should be taken away. This anxiety I suppose is caused not only from an apprehension that the wagons would be robbed and the cattle and horses driven away, but also that he would endanger his own life if he kept them in his possession any longer. For when our party was there some three weeks ago, for the purpose of bringing off the ammunition that was left, he then was compelled to distribute his family at night in the wagons to prevent them from being pilfered, and in fact was shot at at one time in the very act of defending them. Then I suppose Col. Gilliam who (as a small squad of men who came up this morning, informed us was in our vicinity, and would be here in a short time) will bring them in when he arrives, while his men and horses are recruiting. The same Indian further states that there are three parties of the Cayuses, of which one party are belligerent. Whether this is so or not you are as capable of judging as I am, but if so, prudent measures ought to be adopted so as not to force the innocent into the same calamity with the guilty.

Yours truly C. H. Deffendorf

Immediately upon the receipt of Captain Lee's letter in regard to the skirmish that he had had at The Dalles, Gov. Abernethy sent the following to Col. Gilliam:

OREGON CITY, Jan. 28, 1848.

SIR. I received a dispatch from Maj. Lee under date of 20th inst., in which he informs me that he had had a skirmish with a small party of Indians. On receipt of this, you will select some of your best men and horses and scour the Des Chutes river country if you have an idea that Indians hostile to whites are in that neighborhood. It will require great caution on your part as commander in-chief in the field to distinguish between friends and foes. However, when you are certain that they are enemies, let them know the Americans are not *women*. The 9-pounder has been forwarded to the Cascades. If the Indians fortify themselves, it will be of great service to you. You will make The Dalles headquarters until further orders. Companies are still being formed throughout the country, and will be forwarded on to join you at The Dalles as they come in. Perhaps the hostile Indians may come down to meet you, give them liberty to get as close as you think they will venture before you commence operations. If you think there is any danger of a party of Indians attacking Fort Gilliam at the Cascades, send as many men to protect it as you think will be be necessary.

I remain yours truly.

TO COL. C. GILLIAM,
1st Reg. O. R., The Dalles.

GEO. ABERNETHY,
Gov. of Oregon and Commander-in-Chief.

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[1] Cornelius H. Deffendorf came to Oregon in 1847 from one of the Eastern States. He was a lawyer by profession and was gaining considerable practice. When the first company was raised, he was appointed commissary, and returned to Oregon City about March 1, 1848, and feeling unwell took by mistake an overdose of tincture of opii and was found dead by his bed.

The *Spectator* of Feb. 10, 1848, at the head of its war news has this to say. "The thunders of war have commenced? Let them be continued until American *property*, and American LIFE shall be SECURE *upon American soil.*" "Maj. Lee had learned, that three Indians were killed in the engagement of Jan. 8." "Lieut. Ross who was in the above engagement, states that the Indians succeeded in driving off 300 head of cattle left at The Dalles owned by the mission and immigrants."

The following report of Col. Gilliam described the first pitched battle with the Indians, and taught them that Americans were not *women* as they had been told by some of the Hudson's Bay Company servants.

FORT WASCOPAM, Feb. 7, 1848.

Adj. Gen. Lovejoy:

I arrived at this place on the 23d ult., with fifty men, pushed with that number from the Cascades falls to the relief of this place. The regiment in care of Capt. Hall came up on evening of the 25th. Learning that a number of Des Chutes Indians who had proven themselves hostile, were encamped with their stock a short distance up that river, on the morning of the 27th I took about 130 of the best mounted men, proceeded to the mouth of that river, and crossed; ascended the eastern bank several miles, found the villages all deserted and no fresh sign. On the morning of the 28th I sent out Maj. Lee with a detachment of twenty men to proceed up the river and ascertain whether the Indians were there, and report to me the same night. About 12 o'clock that night Maj. Lee presented me the following:

"COL. GILLIAM. We proceeded this morning up the river some twenty miles, when we discovered a considerable party of Indians with their families, removing across the plains, and evidently to station themselves higher upon the canyon. We charged upon them, killed one, took two (females) prisoners and several horses, the rest escaped into the canyon which was close by. Expecting a large war party out immediately, we hastened towards camp with the prisoners, but had not proceeded far, when I discovered a large party of mounted Indians, making after us with all possible speed. We rode down into a small canyon, turned our horses loose below us, and prepared for battle. The Indians were by this time all around us on the hills tumbling down huge stones in our midst and annoying us much with their savage yells, some with their arms. We were fighting some two or three hours, killed and wounded, I suppose, some six or eight, as they took care to keep at a respectful distance. They drew no blood from us, and got only in return for their loss, their horses which we had taken, with four or five of ours that went out with them unperceived through a small canyon during the engagement. We have all returned safe, though much fatigued. Accept this as a reason for the imperfect sketch of the day's doings. H. A. G. LEE."

Convinced that there were Indians there, on the morning of the 29th I proceeded up to the vicinity of the large canyon, at the Meek's crossing, when on Sunday morning the 30th, about 10 o'clock, A. M., as we entered the mouth of the canyon, the Indians appeared on the hills immediately above drawn up in order of battle to about our own number. I ordered the horses to a safe point, left them with a strong guard, and gave directions as to the order of attack. The Lieut. Col. was absent. The Major, and each of the Captains took the respective points assigned them, with firmness and speed, and acquitted themselves *well*. In an hour we were all at the top of the hill, and the enemy fleeing before us. I ordered up the horses, we charged upon them; they fled like wolves and scattered among the hills and canyons. The men all acted bravely; the only difficulty is in keeping them back. I cannot tell the number we killed (as they removed them as fast as they were shot), but from their reports since, it must have been some twenty or thirty killed and wounded. We lost not a man. One (a Spaniard) was slightly wounded in the hip. We chased them up the river till I became convinced we could not overtake them this side of Klamath lake. So after burning up and destroying all their movable property and provisions I could find, we returned to this place, at which we arrived yesterday, bringing with us some forty head of their horses, four head of cattle, and about $300 worth of personal property, all of which I have had sold off to-day, the proceeds amounting to about $1,400, which is placed in the hands of the Paymaster Maj. Magone, and is appropriated to the pay of the regiment. This course is perhaps objectionable but seemed best under the circumstances.

The Cayuses came down in our absence, killed two of our men who were guarding horses, (Jackson and Packwood), drove off a few cattle and were gone before we returned. A detachment bringing us out fresh provisions, awkwardly shot Mr. McDonald, while on guard. He has since died. Those three are all we have yet lost. Mr. Brown, 1st Lieut. of 5th company, died at Vancouver a few days since.[1] I understand that McKay and others are coming up to assist us, send them on! Send all that want to come. Had I a thousand men, I could settle the matter with less time and expense. I have the horses on good grass recruiting, and am anxious to proceed as soon as possible. The signs of the times are unchanged above. A few discreet commissioners with the proper corresponding prudence may yet leave the Cayuses alone. Diligence and precaution are the life of success. Yours, C. GILLIAM,

Col. 1st. Reg't. O. R.

The following letter, although not inserted in correct position as to date will throw considerable light upon the condition of affairs. It contains evidence as to Mr. Ogden's remarks at The Dalles when returning to the valley with the rescued captives. It seems that he imbibed some of McBean's cowardice and predicted dire calamity to all Americans who attempted to enter the Cayuse country. Another cause of Mr. Ogden's nervousness, was the wish of the Catholic priests that no armed men should invade the country, but make a treaty with the Cayuses, on the assurance that they would not kill any more Americans, provided they did not invade their territory, and thus burying past injuries.

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[1] Lieutenant James A. Brown came to Oregon in 1846 ; the next year he started to return east but meeting friends returned. On the organization of Captain Philip F. Thompson's company, he was elected 1st Lieutenant. He met with an accident and died at the residence of Mr. Swizler opposite Vancouver, January 24, 1848, aged 24 years. He was very popular.

FORT WASCOPAM, Feb. 8, 1848.

Gov. Abernethy:

DEAR SIR. I received yours of 27th ult., yesterday, on my return from a campaign against the Des Chutes river Indians, the particulars of which you will learn from the Colonel's report, and I am quite happy to be relieved from the duty of making official reports of the proceedings of the army, for I am aware that you cannot make a proper allowance for imperfections, without a knowledge of the disadvantages under which I labor. I hope you will not expose any more of my productions to public view and criticism; especially such as are communicated without the least idea of ever seeing them in public print. The present is *private* and *confidential*, and although it is on some important matters, it is encumberd with all the disadvantages you can well imagine. I have been compelled to delay my own business till the last moment, in order to attend to that of every one else first, and now write in the midst of a crowded room all talking, laughing, calling on me for information, explanation, interpretation, and more than you can think of, nonsensical.

First—I have availed myself of every opportunity to communicate to the Indians a correct knowledge of our wishes. I have told them from the first that we wished to remain friendly with all except those actually engaged in the murders, but that our hearts would never be good till they were punished, and that those around us who had stolen goods from us, must retnrn them or make restitution, or we would punish them as they deserved. That we had been slow to get mad, had borne much from them, because we loved them and wished to make them like us; but when we began to fight, we never quit till our enemies are all dead. That we were very numerous in our own country—like the trees on the mountains—and that we will never be done coming. That we understand the distinction of different tribes, and do not include any other with the Cayuses, unless they join with them to fight against us, then we make no distinction. All this I have sent, or endeavored to send to Pe-pe-mox-mox (Walla Walla chief). Tauhatuz, whom the surrounding tribes acknowledge as the head chief of the Cayuses, and who has been reported to me as being opposed to the massacre, and saying: "If the Bostons come to fight them, he would not raise his gun, but would sit in his house, and if they would, they might kill him without resistance." Also the three chiefs on the north side of the Columbia river, known as the Skalorre Indians, who refused to join the war party of the Cayuses, when they offered them horses taken from Seletza and the emigrants, and finally to Voluptuteek; whom I am sorry to believe has joined the war party, perhaps through fear or compulsion. On receipt of your letter in reference to the goods left with them, my situation did not justify me in sending a party for the goods till re-enforcements arrived, which indeed were headed by the Colonel himself, to whom I made known the contents of yours and Mr. Whitcomb's letters, also the fact that the chief himself had sent a request to me to come and take the goods away and relieve him of his charge; and then left the Colonel to take his own course in the matter. No party has been sent and we have reasons to believe that the goods have been given up to the enemy.

Second.—Your express is here, and I cannot inform you when he will leave where he will go. Third.—I have no news of the W. S. men.

Fourth.—In the skirmish I first had with the Indians, there were eight Cayuses. Edward Tolouquott at their head—all young men—the balance were the Indians along the Columbia and Des Chutes river. Fifth. On my arrival at this place in company with Mr. Hinman, I ordered Luxella with whom the cattle had been left, to bring them all in to me that I might place them in the bottom below the mission so that they might be in less danger of being run off; 250 were brought in and the balance of the 450 which Mr. Hinman said had been left here I have never seen. They were said to have been driven off by the Indians. Those driven off on the day of the skirmish, were taken from Luxella who was bringing them in. They did not exceed eighty head, exclusive of his own which the warriors allowed him to drive in. Of the nineteen or twenty horses left by Mr. Hinman, only nine could be found when I arrived, none of which were fit for use. The number taken from the enemy previous to the Colonel's arrival, was about sixty, twenty of which might have been used. Since his arrival, about fifty have been taken, nearly all wild mares and colts.

On the Colonel's arrival, I gave up charge of the place and all to him, and felt myself relieved from a charge that had cost me many anxious days and nights. I requested, and he promised me that my men should first be mounted and then some disposition made of the remainder of the horses; but on our return from the late compaign, I was called on by the Colonel to cry the sale of the horses. I obeyed and found on entering the corral that every horse fit for immediate use was missing. I proceeded to sell as they were pointed out by Col. Gilliam on the following terms: "The purchaser charged with the amount if it did not exceed his wages, if it did, give bond and security." Upon these terms, I sold forty-four head, amounting to something over $900. These not being fit for use at present, were bought by the re-inforcement, leaving my old company still afoot, in consequence of which I have written a number of discharges. The best horses having been given to those who wished or needed them. The Colonel gave me a 2-year colt for my extra services in hunting them up and getting them in; and I purchased two others at high prices, neither of which can be used at present, but will in a short time answer some purpose. The loss of many of my company who have been so long with me in hours of danger and strife, and have proven themselves worthy of trust under all circumstances, throws a chilling damper on my feelings.

Mr. Ogden, or whoever says I was mistaken as to Mr. O's. remarks, whether it be Mr. Canfield, or Mr. Some-one-else, is himself either grossly mistaken or guilty of willful misstatement. The remarks were made in the presence of Messrs. Craig and Spalding, and I think they will bear witness to the correctness of my statement. That he could not have meant my company of fifty men is evident from the fact that I told him I was ordered to *this place only*. I hope you will not be at all uneasy on the subject of my feelings towards the gentleman in question or any of the Hudson's Bay Company. You are aware that I have ever entertained and labored to diffuse amongst my countrymen, a spirit of friendship towards the H. B. C., because I believed it to be advantageous, if not *essential* to the peace and prosperity of our country. From a stand so long and so publicly maintained, I shall not be easily driven, nor will I, for trival reasons, abandon feelings so long entertained and so congenial to my nature. Yet, the very motive from which I have been induced to advocate a friendly union of the two parties, would lead us to labor quite as diligently to sever that union whenever I shall be convinced that it is no longer conducive to the welfare of the country. And now for more important matters.

You speak of Gen. Palmer's coming up to treat with the friendly Indians. This is highly gratifying to me. I hope he will arrive in time, but I fear he may be too late. Col. Gilliam, I think intends taking up the line of march for Waiilatpu in two or three days, and I am satisfied that marching the army to that place without previous interview with the Nez Perces, would involve us in a general war with all the tribes, which would be a most unfortunate occurrence for us. I have long since asked the Colonel to allow me to take Mr. Craig as interpreter and go to see them before the army moved that way, that they might be assured of the object of our movements, and of our wish to preserve friendly relations with them; but he has not yet consented. I will now endeavor to keep him here till Gen. Palmer arrives, but if the General is slow, I fear my efforts will be in vain. I consider our relations with the Indians far more critical to-day than it ever was, and every moment is full of importance. The operations of a single hour may fix our doom for weal or woe. I have not had time to converse privately with Lt. Col. Waters and learn his views. So fully convinced am I of the impropriety of moving the army above, before the surrounding tribes have been visited by a messenger of peace as they have requested, that, should that course be taken, I shall be compelled to retire from the field and seek in some other quarter a quiet home.

Allow me to mention Seletza. He is still with us and wishes to remain with us until the war is over.. I am not now afraid to risk my life with him individually, but as an officer, I can risk nothing with him, unless my judgment coincided with his suggestions. During our late absence, the cattle which he had brought to this place, twelve head, were run off by the enemy, so that now he is entirely stripped of everything. The Colonel does not like him, and he looks to me for protection which I am bound to afford him as far as I can, for I have been the cause of his taking the stand he has, by which he has forfeited his life with the enemy, so that should we drop him now, he could not long survive; and to see him abandoned to the vengeance of his enraged people would wound me most deeply. At some future time I will give you a schedule of his property he has lost, so that should I leave the army or fall in battle, there may be some hope left for him. His conduct has been so honorable and manly, that I cannot but regard him as a friend worthy of my esteem, and I believe all who have been with me regard him as I do. Mr. Winston joined the first company—his name was omitted through mistake, he is now Orderly Sergeant of that company.

Once more, and I think you will give me credit for sufficient *particularity* for once at least. There are plenty of horses in the vicinity, upon which we have some claim, but where they are or who will get them, I know not; I will buy one from some friendly Indian to-morrow, if I can, for my own use in the war, and as nearly all those who came with me are now discharged, I think you need not trouble yourself or the General about horses for the special use of the 1st Co., O. R. For the regiment, the Colonel can speak himself. Yet I thank you sincerely for the interest you have taken in the First Company. Captain Officer arrived this evening with six men, Capt. Maxon's company is now very large and important in the service, being thoroughly efficient, Should this reach you before Gen. Palmer leaves, you will oblige me by tendering to him my most humble acknowledgements for the polite and gentlemanly allusion to me in his letter to Mr. Deffendorf. I never was troubled about the *duties* of the issuing commissary, but the manner. T. McKay is said to be near this place, the number of men unknown. We need military talent more than men. Your obedient servant.

His Excellency, GOV. ABERNETHY. H. A. G. LEE.

Major Lee sent the following wise suggestions to Governor Abernethy in regard to protecting the southern portion of the Willamette valley. Its wisdom was demonstrated by the battle of Abiqua, which was fought and won by a hastily collected body of citizens on March 6th, or a little less than a month after the following was written. An account of the battle will be given in its proper place.

WASCOPAM, Feb. 8, 1848.

Mr. George Abernethy—

DEAR SIR. Allow me to suggest the propriety of guarding the southern portion of the Willamette valley. You will see from Col. Gilliam's report that the river Indians have collected together and given us battle at Meek's crossing on the Des Chutes, being whipped, they fled up the river towards Klamath lake, and are now supposed to be in a flat near the head of the river, where there are some warm springs. This place is occupied by a part of the Indians all the time, and the war party send to it all the cattle and horses, except the best which are retained for use some days before the battle. This hot spring country is on their usual route to the lake. It is highly probable they will attempt a robbery on the frontier, knowing we are away. Esquire Deffendorf returns with a view of raising a company for that purpose, and explore more fully the southern portion of the territory. He is well qualified to head such a party. He is remarkable for his cool, deliberate bravery, and prudent management. The company will be independent, furnishing themselves everything and acting upon their own judgment separate from the army. I cannot recommend too highly the propriety of encouraging such companies. The Indians go in small parties when they do mischief, keeping the main body out of reach. We must adopt the same course if we expect success.

In haste. H. A. G. LEE.

For some unknown reason, the above suggestions were not acted upon, and the Cayuses did send emissaries into the valley which resulted in one pitched battle.

Hon. Ralph Wilcox, who was the first Regimental Adjutant, in writing to Adjutant General Lovejoy gives the following:

FORT WASCOPAM, Feb. 7, 1848.

GENERAL. * * We had some fighting and have obtained considerable property from the Indians. Unfortunately we have lost three men; one by accident, being shot by the guard, having imprudently approached the sentinel in such a manner as to induce him to believe he was an Indian. His name was Alexander McDonald. James Packwood and —— Jackson, were killed by the Indians during our absence on the Des Chutes river. They were stationed out with others as horse guards some distance from the fort, and seeing some horses at a distance, they went to drive them in, when they were killed by Indians. There is no doubt the Indians were lying in wait for them.

The difficulty of keeping the property obtained from the enemy, was so great, that Col. Gilliam decided to sell it, and you will receive a report of the amount from Paymaster Magone. The Paymaster will take the receipts from the purchasers and forward them so that the several amounts may be charged to the individuals. I wish you would send directions in relation to this matter to the paymaster, as we are all unacquainted with the business; send some kind of form for pay-roll or whatever you may think best. The property sold very high, in all, amounting to nearly $1,200. There may be some objections to this course of proceedings, but for my part, I think it the best we could adopt. The property being mostly horses, could not be kept, but would be lost as fast as collected, and it sells much higher than stock of the same kind in the valley.

Mr. Fales Howard resigned as 2d sergeant of 4th company (E), and takes his place in the ranks as private. Thomas Buckner was elected to fill the vacancy. Feb. 6th, Isaac W. Sullivan was elected 1st Lieutenant of 5th company to fill the vacancy caused by the death of Lieut. Brown. Captain Thompson is expected daily. Friend Meek is in a terrible stew since he heard of the express being dispatched to California and the States. I endeavor to comfort him by saying that if he gets beat in the race, he will make the *best show* when he gets there. There is no doubt we shall have some hard fighting, but our boys are the right stripe. In the action on Des Chutes river, we had not only to fight the Indians. but to climb a tremendously steep rocky mountain to get at them. There is no doubt some were killed, but it was impossible to ascertain the number, as every one that was hit was carried off. Only one "Boston" wounded. Mr. Shaw has resigned his office as Judge Advocate and will go home. Jacob Rinearson was appointed by Col. Gilliam to fill the vacancy to act from date.

Yours truly, R. WILCOX

Commissary General Palmer made the following report to Gov. Abernethy:

WASCOPAM, Feb. 16, 1848.

Yesterday the regiment took up the line of march for Waiilatpu. Our first encampment was on the second creek above this place, and as the baggage wagons were not all forwarded, I came back to attend to it. Our force numbered little over 300 men. Twenty-seven men, including the sick, have been left at this place. Two Indians belonging to a tribe forty miles north of the Columbia river, have been in. We had a talk with them, and gave them tobacco and a flag to take to their chiefs. They informed us that many Indians on Des Chutes, John Day's and Columbia rivers, have removed and settled in the Cayuse country. They also state that the Nez Perces have joined the Cayuses. Two of the Indians engaged in the battle on the Des Chutes river came in yesterday as messengers of *peace*. We talked to them and gave them a flag and tobacco for their chiefs. They are to meet us at the crossing of the Des Chutes river. J. PALMER.

CAMP AT SPRINGS 25 MILES WEST OF UMATILLA, Feb. 24, 1848.

GOV. ABERNETHY,—SIR. Yesterday as we were leaving camp, a party of thirteen Indians were seen following our trail. We met them and they proved to be the Indians who resided up the Des Chutes river, to whom we had sent a flag. They were old chief Beardy and several principal men. They expressed a strong desire for peace. A part of them had been in the skirmish with Maj. Lee at The Dalles; but say that they were forced into it by the Cayuses. That all their property had been taken, and their lives threatened if they did not join them. They were not engaged in the last two battles. Beardy seems not to be implicated in the matter. Waliptoleke took an active part in the last engagement, and was one of two, who rode nearest the Americans in the engagement; but he has repented, and wishes to settle the matter, and asks permission to join our camp. He states that a part of the goods left in his charge have been taken, but that he has cached the most of them; which with the horses and cattle which have not been stolen, he will return to the Americans at The Dalles upon our return. We sent him word that we will inform him when to bring it in, and that we will hold a council with all the people in that vicinity upon our return. Beardy and his people are to remain upon his farm. They will render some assistance by informing us of the disposition of the Indians in this quarter. We have dispatched Indian Elijah as messenger to Fort Walla Walla and to the Nez Perces. We expect a messenger from the fort

to-day. We learn by Beardy, that the Cayuses have fortified, and had expected to fortify near the foot of the Blue mountains on the saw mill stream. We have no other news. There are no Indians to be seen in the country; but the trail of spies has been discovered, and we shall probably have an attack by night, before we reach Waiilatpu.

JOEL PALMER.

The following letter written by Bishop Blanchet, addressed to the "Commander of the Oregon Army," was brought to Oregon City by Quartermaster Jennings, and translated by Dr. McLoughlin. The date has been omitted, but it was probably written about Feb. 1, 1848, from the mission in the Yakima country:

SIR. I have some intelligence from Walla Walla, which I got from two Indians who arrived yesterday. I communicated it to my Indians—the Yakamas, and they have requested me to write you again. They are more than ever resolved not to join the Cayuses, especially since they have been informed that the Cayuses were angry with them, because they had refused to make war upon the Americans. The two Indians whom they sent to you are to learn what is going on, and bring the intelligence to the camp. Whatever may happen, I think they will not change their present intention. I have told them the Americans were very numerous, and that the Cayuses could not kill them all, and the Yakamas had no reason to fear that the Cayuses could kill them on their lands. The Indians report that only the Palouses have joined the Cayuse, and that the Yellow Serpent had not joined them. The first chief of the Yakimas, Cidies, requests me particularly to inform Mr. McKay, that he had been his friend for many years and that he will remain so. His brother, Aourhaie, whom Mr. McKay knows well, is detained by the Cayuses, who have threatened to kill him, if he attempted to return to his lodge—he is a good Indian, and I wish he could return home. Up to the present, I had hoped that peace could have been made between the Americans and the Cayuses; but after what has been written to me, it appears to me improbable. I will do all I can to instruct my Indians, and teach them to cultivate the ground, and trust with the blessing of God, that they will become humane. I have the honor to be, sir, your humble servat.

F. N. BLANCHET.

VANCOUVER, Feb. 29, 1848.

GEO. ABERNETHY, ESQ'R. We have received a letter from Father Blanchet, in the upper part of the Yakama river, dated 16th inst., stating the Yakamas felt no inclination or will to join the Cayuses, although many other tribes had, merely confirming what had reached us by The Dalles. It is my firm conviction when the troops reach Walla Walla, the enemy will soon dwindle away. I however may be mistaken. Yours in haste, PETER SKEEN OGDEN.

The above is in entirely a different tone from the prediction that he made to Capt. Lee at The Dalles, while on his way down with the rescued captives. He then stated that *all the Indian tribes along the Columbia river would join the Cayuses*, and that he doubted whether the Americans could conquer a peace, and that to attempt a winter campaign was the greatest of folly. But when he. and the other officers of the H. B. Co., saw with surprise the energy displayed by the Americans, and that they were determined to invade the enemy's country, compelling them to sue for peace, they had a practical demonstration proving that there was another power in the land, equal if not greater than their own.

First Lieut. Charles McKay, wrote the following interesting letter, giving a good description of the general battle fought and the operations of the army up to date of the letter. For the want of time to write to each separately, he addresed it to the four individuals named:

WALLA WALLA, Feb. 28, 1848.

To Messrs. Brooks, Smith, McLoughlin and Wilson:

DEAR FRIENDS. This is the first opportunity I have had to send any intelligence of our proceedings since we left The Dalles, which I embrace, but as time is pressing, I write but one scrawl to all of you. The first circumstance of importance which occurred since we joined the army, was the making of a treaty with those of the Des Chutes Indians, with whom Col. Gilliam fought before our arrival. On the second day after the making of the treaty, we met a combined force of Cayuses, Walla Wallas and Indians of other tribes, amounting in all to 418 armed men and about 100 more without guns who remained spectators to the conflict. It is impossible at present to give a perfect description of the engagement. But it is enough to say, that the enemy had every advantage of position, added to a thorough knowledge of the hills and ravines which marked the face of the country. Our lines were extended and nearly formed a circle, with the horses, cattle and wagons in the center. The enemy commenced the action by charging towards us, and firing, which was briskly returned by our party. Some of the Indians, more venturesome than the rest, came so near to us that they were shot. Two of them were men of influence, one of whom was Great Eagle. A Cayuse medicine man was killed by Thomas McKay. Five Crows, the fellow who took one of the girls, was shot in two places, smashing his left arm into splinters. He dropped his gun which I obtained, and if my horse had been good, he would not have escaped me. After this, the Indians kept up their firing, but at a great distance off. Their fuzees throw balls further than our rifles, in which they had an advantage. The firing continued until within an hour of sunset, when the Indians cleared out and left us masters of the field. The cannon was discharged twice, but without much effect. Five of our men were wounded, one severely, being shot through the right breast. There are well grounded hopes of his recovery. On the next day a truce was agreed upon, when some false reports were explained to the Walla Wallas, Nez Perces, and other tribes, that is to say: That the Americans were intending to kill them all, and take their lands. Upon hearing which, they refused further interfering in the matter, and immediately departed for home.

We understand (but it is impossible to arrive at the exact truth) that three of the enemy were killed, and several others and a great many horses wounded. It was indeed a handsome sight to see fighting men galloping on their horses, and spectators on the hills (even women were there) to witness the conquest of the Americans. The enemy had threatened that "the Americans should never drink of the waters of the Umatilla." They had further threatened that they would beat the Yankees to death with clubs, and then proceed to the Willamette, and take women and everything, but in this the Indians were egregiously mistaken. By the Indian's account, their loss was sustained from that portion of the field where our party was stationed, but I imagine that they sustained loss from other portions of the army.

March 1st. We have had a talk with the Indians, and proposed a treaty with those *only* who were friendly; but we have since heard that they are all combined with the exception of the Yellow Snake. We expect to be at Whitman's to-day. Some of our party were foolish enough to tell the Indians, that Thomas McKay and myself shot the two Indians above mentioned. So we have to look out. Excuse abruptness as the courier is departing.

Yours truly, C. McKAY.

Col. Gilliam, by the same express that the above was sent, forwarded the following to Gov. Abernethy, but it is not as full as it should have been as he well knew that full information was greatly desired by the officials and the public generally. Brevity at times is commendable, but not as a rule:

FORT WALLA WALLA, Feb. 29, 1848.

To His Excellency, George Abernethy:

SIR. I arrived at this place last evening in fifteen days from Fort Wascopam. The hostile Indians met us the day before we reached the Umatilla, and an engagement took place, which lasted about three hours. None of the men killed, and only six wounded, two of them severely, but will probably recover. Some of the Cayuse chiefs who were not engaged in the action, came into camp next day and professed a desire to remain at peace; among the number was Stickus. The number of hostile Indians we have learned amounted on the day of action to 417. Tamsuckie is encamped a few miles below Whitman's place, and all the enemy it is supposed will collect at that place to give us battle. I wish you to send more men into the field, as it is highly probable that a large number of Indians will take the field against us. I have not been able to ascertain what tribes will fight us. It will be advisable that the men should be sent on foot or in boats, and that the provisions should be forwarded to this place by water. Some of the Company's men who are acquainted with the river could be had to pilot the boats to this place. It is absolutely necessary that more men should be sent up immediately, and also provisions, as we now have but a small quantity of flour on hand.

I have learned from the Indians that in the action of the 25th, eight Cayuses were killed, and among the wounded was Five Crows,. It was said he would die. Among the other tribes who fought against us, we cannot ascertain how many were killed and wounded. Some of them living on the north side of the Columbia, left and went home after the action. We shall proceed at once to Whitman's place and establish a post in that vicinity. I remain yours truly, C. GILLIAM.

Gov. Abernethy wrote the following appeal to Commodore Shubrick for assistance, and sent the same by Capt. Kilburn of the brig *Henry* who sailed to San Francisco about that time:

OREGON CITY, March 11, 1848.

SIR. I have written you under date Dec. 28th and Jan. 25th, last, both of which failed to reach you. I herewith send letters and the *Spectator*, from which you can see our present situation. Captain Kilburn of the brig *Henry* can inform you on any subject you may wish to inquire of him. I would again call your attention to the necessity of sending us one or more vessels of war as soon as possible. Indians are restrained by fear; they have a dread of cannon and man-of-war ships. I have told them a ship of war would be here in the spring. I am waiting with anxiety to hear from the commissioners sent up to treat with the Indians. Should we succeed in settling this affair, which is uncertain, the presence of one of our ships at this juncture, would let them know that the Americans have it in their power to punish them, and would probably deter them from further aggressions. I have conversed with the pilot at the mouth of the Columbia. He says he can bring in a vessel drawing twenty-two feet of water. Under his care, any sloop-of-war, under your command can enter our river. Captain Kilburn says, if needed, he will come up in any vessel sent by you. Yours truly.

GEO. ABERNETHY.

COMD'R, W. BRADFORD SHUBRICK. Governor of Oregon.

Chief Factor James Douglas, of the H. B. C., wrote the following to Gov. Abernethy, which gives various items of interest:

FORT VANCOUVER, March 15, 1848.

George Abernethy, Esqr.

DEAR SIR. One of the Company's servants has this moment arrived with dispatches from Walla Walla, of date the 7th inst., and I hasten to communicate the intelligence received for your information. The army had made their way to Waiilatpu and taken possession of the remains of the mission, the Cayuses having been defeated with considerable loss some days previously in a pitched battle near the Umatilla river; and had since fallen back upon the Nez Perces' country. Serpent Jaune, chief of the Walla Walla tribe, had visited the commissioners, and decided on remaining quiet. The Nez Perces had in part also decided for peace, and were expected in camp within a few days. The remaning part of the tribe appeared still undecided about the part they would take, and will no doubt be much influenced in their future conduct, by the success which attends the operations of the army. Their sympathies are with the Cayuses, but fear may restrain them from taking an open part against the whites. The Cayuses remain therefore without any open support from the more powerful tribes in their neighborhood, and in such circumstances, cannot be expected to make a very protracted defense. The accompanying copy of a letter from Mr. Palmer, possesses much of interest, and will put you in possession of further particulars.

Our dates from Fort Colville are up to Jan. 23d. The Indians were all quiet and well disposed, though they had been severe sufferers from the measles and dysentery. Their detestation of the brutal conduct of the Cayuses, has been openly and generally expressed, as well as their determination to oppose the repetition of such atrocities in their country. Messrs. Walker and Eells have been induced by the friendly protestations of the Indians about them, to continue their residence at the mission near Spokane. Mr. Lewis offered them an asylum at Fort Colville, which that gentleman observes in his letter, "is still open to them if necessary hereafter, and I will give them every assistance in my power, if they are compelled to remove and fly to this place for safety. All the 'Finley's'[1] at 'Fools river,' have volunteered their aid and assistance to protect Messrs. Walker and Eells if necessary, which I think is fortunate. As the determined character of these men is generally known among the Indians, few or none will like to come in contact with them." We have letters from Fort Hall up to Dec. 30th. No intelligence of any interest from that quarter, beyond the fact that a city has sprung up, as if by enchantment, in the midst of the desert, near the southern extremity of Great Salt Lake. It contains a population of 3,000 persons, and numbers within its precincts 600 houses. One flour mill was in operation, and four saw mills were nearly finished. In haste, yours truly.

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[1] Dr. Wm. McKay has favored me with the following in regard to whom the "Finley's" were and the information is reliable: "The Finley family who reside on Colville river and Jaco valley are numerous. There were origionally five brothers, and their descendants are hunters and trappers, *crack* shots with the rifle. They have immense influence with the Flat Heads, Colville and Spokane Indians. They protected Messrs. Walker and Eells during the time of the Indian troubles. No Indians would dare attack them. The Finlay's originally came from the Saskatchewan of Britsh territories, and are of Scotch descent. You find them now all over the northwest, in Idaho and Montana.

JAMES DOUGLAS.

WAIILATPU, March 4, 1848.

William McBean, Esq.

DEAR SIR. I have been requested by Capt. McKay, to apprise you of the progress we have made in adjusting the differences between the whites and Cayuses; and I am happy to say that matters are assuming a favorable appearance. With yours and his assistance, with a little forbearance on the part of the troops, I believe all that could be desired, will be accomplished without further bloodshed. Capt. McKay thinks Captain Grant[1] can travel through the country with perfect safety. Mr. Meek will leave the first of the week. Dr. Newell will write to Capt. Grant according to your request. In haste.

JOEL PALMER.

DEAR SIR. I have only time to say a word. Stickus was here yesterday, and things look more favorable since Gervais arrived. I wish to go down when your people go. I will be ready in a few days and come to the fort. No time for particulars. With respect.

R. NEWELL.

OREGON CITY, March 16, 1848.

DEAR SIR. I received your letter of yesterday, last evening, and beg leave to return to you my thanks for your kindness in placing me in possession of the information contained therein so soon after its arrival at Vancouver. I have been very anxious to hear from the upper country; and feel gratified to learn that there is a prospect of a speedy termination of the war in that neighborhood. It appears from a letter that I received to-day, that the residents of Benton county have come in collision with the Calapooia's. Two Indians killed and ten taken and severely whipped. I do not know the cause of this, but regret it very much. Mr. Applegate is my informant.

I remain yours truly.

JAS. DOUGLAS, ESQ.

GEO. ABERNETHY.

Brevet Captain Williams commanding at Fort Wascopam, thus details the situation at that post, while the army was at Waiilatpu. 'It shows there was trouble in the rear as well as at the front.

FORT WASCOPAM, Feb. 28, 1848.

Mr. George Abernethy:

DEAR SIR. Having the honor of being Brevet Captain of the forces stationed at Wascopam, I deem it my duty to report to you, the strength, condition, and future prospects of maintaining honorably and successfully the military stores deposited at this place; and also noting the circumstances that constrain our men to believe that there is a strong probability of hostilities being opened against us by the enemy upon the river, in intercepting our boats, as well as an attack upon our fort. In fact we consider our boats in the most imminent danger from interception by hostile Indians, while passing and repassing from the Cascades to this place. To-day our boats arrived laden with flour, salt and pork, and the Captain informed us that he discovered Indians on the north side of the river, in a situation that in his opinion presented an aspect, that was not altogether friendly. This he also reports to be a very unusual thing; because a majority, in fact we may say, the whole of our friendly Indians have removed from the north side of the river to the south side, in the immediate vicinity of this place, in order to be under the cover of our protection. Consequently the opinion is, there was a hostile or unfriendly motive in their procedure. Two of our men left this place in pursuit of saddle tree timber about twelve miles from this place. They reported on their return that they saw Indians, showing, in every sense of the word, movements of a hostile nature. Consequently, such evidence leads us to believe that the river is in all probability, destined to be the scene of hostilities. Then, sir, you may imagine our situation and the danger our boats are in while transporting provisions from the Cascades to this place Therefore, we solicit your attention, eagerly in behalf of our military stores, while under transportation, and the property, in the character of stock, about the fort. We are not, as you will hereafter see, with the small force able to protect the fort, stock, and the boats. The number of men that could in case of emergency bear arms, provided an attack upon the fort was made, would amount to about twenty-five men, but five of them are without arms, consequently the amount of their assistance in combatting the assault of an enemy wroth with desperation and determination, would be rather of a minor character; therefore it is necessary in my opinion, that a re-inforcement should be immediately sent to our assistance, and to the assistance of the boats. A few arms are also necessary, in order to supply the deficiency above mentioned, besides ammunition is scarce. We have two guns out of repair, one rifle and one musket.

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[1] Captain Grant had charge of Fort Hall, one of H. B. Co's. trading posts. As far as there being any danger for any person connected with that company is concerned, is all "bosh." It was only Americans the Indians were hostile with.

I will now endeavor to explain to you, why our situation is considered critical. You are, I presume aware that all the Indians, save those of the Wasco tribe, are hostile, and are, I presume, encamped somewhere upon the Des Chutes river, I mean, when I say all those who live upon the Des Chutes and its tributaries, and are making preparations, we believe, to commence hostilities against us at this place in the absence of the main army. It is reasonable to suppose that such might be the case. I deem it my duty to mention the probable occurrence to you, whether it is true or not. I will mention, that it is not considered altogether safe to confide too much in the fidelity and friendship of the Indians who call themselves our friends. I am firmly impressed with the idea, that if we are attacked by a pretty large body of hostile Indians, a part, if not all the Indians that are encamped but a few miles from the fort would think it politic and over safe to join the enemy because our party is too small to maintain ourselves and render them assistance sufficient to rescue the women and children from the merciless knife of a bloodthirsty and barbarous enemy. I am very certain that they entertain such views. If such should be the case, the increase would be considerable on the part of the enemy, as there is not less than fifty or sixty warriors belonging to the encampment.

Yours truly.

William Williams

Brevet Captain, Fort Wascopam,

The condition of affairs being of such serious condition, Governor Abernethy thought it best to raise 300 more men to carry on the war, and accordingly issued the following

PROCLAMATION.

Recent accounts from the seat of war show, that the Indians are in pretty strong force and determined to fight. Many of the tribes have expressed a desire to remain peaceful, but there can be no question, that the slightest defeat on our part will encourage portions of them to unite against us, and if they should unfortunately succeed in cutting off or crippling our army, it would be a signal for a general union among them; fear is the only thing that will restrain them. It is necessary at the present moment to keep a strong force in the field, to keep those friendly, that have manifested a desire for peace, and to keep the hostile Indians busy in their own country, for the war now must either be carried on there or in our valley. The question is not now of a matter of dollars and cents only; but whether exertions will be made on the part of the citizens of the Territory to reinforce and sustain the army in the upper country, and keep down the Indians, (which our men are able and willing to do if supported), or disband the army and fight them in the valley. One of the two must be done. If the army is disbanded, before two months roll round, we will hear of depredations on our frontiers, families will be cut off, and the murderers on their fleet horses out of our reach in some mountain pass before we hear of the massacre.

Many young men are willing to enlist and proceed to the seat of war, but are unable to furnish an outfit; let their neighbors assist them, fit them out well and send them on. As a people, we must assist and carry on the war. I hope sincerely that the Government of the United States will speedily extend its protecting care over us, but in the meantime we must protect ourselves, and now is the time. I therefore call on all citizens of this Territory to furnish 300 men, in addition to the number now in the field. Three new companies will be organized and attached to the regiment commanded by Col. H. A. G. Lee. Each company to consist of eighty-five men, rank and file; the remainder will be distributed among the companies already organized. The enlistments to be for six months unless sooner discharged by proclamation or relieved by the troops of the United States. Each man will furnish his own horse, arms, clothing and blankets. The companies will bring all the ammunition, percussion caps, and camp equipage they can, for which they will receive a receipt from the Commissary General.

All citizens willing to enlist, will form themselves into detachments in their several counties and be ready to march to Portland, so as to arrive there on Tuesday, the 18th day of April, on which day Col. Lee will be there to organize the new companies; after which the line of march will be taken up for Waiilatpu. If a sufficient number of men to form a foot company appear on the ground, they will be received as one of the above companies.

In witness whereof, I have signed my name and affixed the seal of the Territory; done at Oregon City, this first day of April, 1848.

Geo Abernethy

The U. S. Transport *Anita*, Acting Captain S. C. Woodworth, arrived in the Columbia river and anchored near the mouth of the Willamette, on March 16, 1848; bringing Maj. James A. Hardie, for the purpose of mustering into the U. S. service any troops that might be raised in Oregon for the purpose of garrisoning Mazatlan and other southern ports. The news of the Cayuse war had not reached California when the *Anita* sailed. Commodore W. Bradford Shubrick, commanding U. S. Naval forces wrote the following letter to Gov. R. Mason for 1,000 men to be sent down to Mazatlan for the purpose of holding that place and others as stated above. Gov. Mason dispatched Maj. Hardie to Gov. Abernethy with a request for four or five companies.

(Copy.) U. S. SHIP INDEPENDENCE, MAZATLAN, Dec. 6, 1847.

GOVERNOR. I embrace the opportunity of a vessel going to the Sandwich Islands, to send you a copy of a letter received this morning from a reliable source at Tepic. I have written you several times since I came here but fear none of my letters have reached you. I will therefore recapitulate in brief. I took possession on the 11th, without opposition. Teller, with 800 cavalry, artillery and infantry retreating before 550 sailors and marines. Lower California is in a bad state; numbers of Mexicans have crossed over since we took Guaymas, and have made Haywood at San Jośe, and Burton at La Paz very uneasy. I have the *Cyane* at La Paz, and the *Portsmouth* at San Jose now, and the *Southampton* will soon take the place of the *Portsmouth*; but it is absolutely necessary that more troops should be sent into the territory; it cannot be kept quiet with less than 500 men. Unless you send a sufficient garrison to San Jose to hold it without a ship, it must be abandoned and the flag of course struck in May, as after that month a ship cannot be at *anchor* near enough to succor the garrison. The same may be said of this place. I should think 1,000 volunteers might be raised in Upper California and this place. The importance of holding Mazatlan will justify any means that you may adopt for that purpose. It is the principal port of Mexico on the Pacific, and the tariff of the 3d of April, is now in successful operation. Under direction of Lieut. Halleck we are now erecting fortifications and defenses, which will leave nothing for the officer who may occupy them after us, but to watch the appearance of the enemy and beat them off.

I am yours truly,

W. BRADFORD SHUBRICK.
Comd'g Pacific Squadron.

COL. R. MASON,
U. S. Army, Gov. of California.

HEADQUARTERS 10th MILITARY DEPARTMENT,
MONTEREY, CALIFORNIA, Jan. 28, 1848.

SIR. From intelligence received here yesterday from Commodore Shubrick, commanding the U. S. Naval forces off Mazatlan—a copy of his communication is enclosed herewith. I deem it of the utmost importance to raise a corps of 1,000 men to send to Lower California and Mazatlan as early as practicabe. I shall therefore dispatch an officer, Major Hardie of the army, to confer with your Excellency and if possible, to raise in Oregon, an infantry battalion of four companies to be mustered into the service of the United States, to serve during the war, unless sooner discharged, or if it be impracticable to engage them for that period, then to engage them for twelve months from the time of being mustered into service, unless sooner discharged. The battalion will consist of field and staff,—one Major, one Adjutant, a Lieutenant of one of the companies, but not in addition. Non-commissioned staff—one Sergeant Major, one Quartermaster Sergeant. Four companies, of which to consist of one Captain, one First Lieutenant, two Second Lieutenants, four sergeants, four corporals, two musicians and 100 privates.

Should the number of privates on being mustered, not fall below sixty-four effective men in a company, it will be received. In the United States, the volunteer officers are appointed and commissioned in accordance with the laws of the State from which they are taken. The officers from Oregon will therefore of course be appointed pursuant to the laws of Oregon, if there are any on that subject, if not, in such manner as your Excellency may direct, in which case, I would respectfully suggest that the company officers be elected by their respective companies, and that the Major be appointed by yourself, and I would further respectfully suggest the extreme importance to the public service, that the officer be judiciously selected. The place of rendezvous for the several companies as fast as they shall be organized, is necessarily left to yourself and Major Hardie. * * *

I do not know how this call for volunteers will be met in Oregon, but I flatter myself with the assurance, that it will receive the cordial support of your Excellency, and I am certain it will show that the citizens of Oregon have lost no patriotism by crossing the mountains, and that they will be equally prompt in coming to their country's standard, as their brethren in the United States.

Yours respectfully,

R. B. Mason
Col. 1st Dragoons
Gov. of California

To his Excellency,
Geo. Abernethy, *Gov. of Oregon.*

To the above, Gov. Abernethy wrote the following declining to raise the battalion for California, and giving his reasons therefor which were cogent and convincing. There is no doubt, if there had not been a war in Oregon at that time, but that Major Hardie could easily have raised the battalion, but the Territory had within itself all that it could attend to for the time being.

Executive Department,
Oregon City, April 3, 1848.

Sir. I received your letter of 28th of Jan'y. last, together with a copy of Commodore Shubrick's letter of 6th of Dec. last, and in reply would beg leave to state that in the existing state of affairs in this Territory, I do not think it would be prudent on my part to send any men out of the Territory. Before this reaches you, my letters of Dec. 28th, Jan. 26th, and March 11th, together with copies of the *Spectator* will have reached you, from which you will have learned our situation and the need there is of our being assisted by the Government of the United States. I have in these letters begged that a sloop-of-war might be sent to our aid. I should have called for men, as we need a few disciplined troops to take the lead, but concluded you could not spare them. We need very much a few field pieces, balls and powder. A quantity of rifle powder and lead, and in fact everything that is really needed to carry on a war. May I be permitted to ask your aid in furnishing us with these necessary articles. I send you with this a *Spectator* of March 25th, also an extra issued this day, and a copy of my proclamation calling for 300 men in addition to those already in the field; and it is not at all improbable but I may have to call a large number of men into the field to protect the Willamette valley. I am glad that we have been visited by Maj. Hardie, as he can on his return, inform you more fully of our situation than I can by letter. I regret that circumstances are such that this gentleman returns without the aid you expected to receive from Oregon, and sincerely trust that you will not lay it to our want of patriotism, for I assure you that nothing would have afforded me more pleasure than to have met the call of your Excellency, and I have not a doubt but that it would have been cheerfully responded to by our citizens. I have the honor to be your obedient servant.

GEO. ABERNETHY,
Gov. of Oregon.

To his Excellency
R. B. Mason, *Gov. of California.*

Gov. Abernethy at the same time wrote to President Polk the following letter to be sent by the *Aeita* on her return to California, to be forwarded by the first opportunity;

Oregon City, April 3, 1848.

Sir. I am aware that much of your time is occupied, and shall be brief in my remarks, hoping the importance of the case, will excuse this liberty. A copy of the memorial passed by the Legislature at its last session, together with papers containing the account of the massacre of Dr. Whitman and others at Waiilatpu by the Cayuse Indians, were forwarded to Congress by Mr. J. L. Meek. I also forwarded an application via California. As Mr. Meek left Walla Walla on the 4th ult., he will no doubt reach you in May. I send with this a file of the *Spectator*, and an extra issued to-day, together with my proclamation by which you will perceive that we are carrying on a war with the Indians of the interior. Sometime since, commissioners were sent up to treat with the different tribes, and endeavor to detach them from the Cayuses. They effected a great deal, the Walla Wallas, Nes Perces and other tribes, accepted presents and declared they would remain friendly with the whites, still there are a great many that will unite with the murderers; all the restless and turbulent spirits among the different tribes, those that were guilty of robbing the immigrants last fall, and many who look with a jealous eye on the inroads of the white man. So that it is to be feared that a large party, will take to the field against us. Our settlers are scattered through the different valleys, many of them isolated and lying in such a position, that they could be swept off in a night, and the Indians be in the mountains out of reach next morning. Our policy is to keep the Indians busy in protecting their families and stock in their own country, and by this means keep them out of the valley; and we hope we shall succeed, but we have no money, no munitions of war. Our patriotic volunteers are destitute of clothing, tents and provisions, even while in the field, still they are there in good spirits and determined to fight to the last. Our powder is gathered up in half pounds and parcels. As the settlers have brought more or less in for their own use, this will soon give out. I have written to Gov. Mason of California for a supply of powder and lead, which I hope will come by first opportunity. I have also written to Commodore Shubrick to send us a sloop-of-war to lie in our river to show the Indians that we have force that can be brought into this country if necessary. Fear, and fear only, rules and controls Indians. Knowing this, they have been informed that we expect a man-of-war this summer, and as soon as our Great Chief hears that his people have been murdered, he will send some of his chiefs here to punish the murderers. Should this pass off and we receive no visit from our man-of-war and no troops are sent into the Territory, our situation will not be an enviable one. The Indians will say all this has been said to frighten us, see, their ships have not come; their soldiers have not come, do not let us be afraid any longer. Probably a large immigration will be on their way to this Territory this summer. I hope that troops will accompany them, for the Indians are well aware of their route, and the time of their coming, and if not protected, they will very likely go on to meet them, and rob, plunder and murder all parties not strong enough to resist them. They robbed them last year; they will, I fear; proceed further this year. I hope sincerely, whether Congress passes a bill to extend the jurisdiction of the United States over us or not, that at least one regiment will be sent into Oregon to protect us from the Indians and to protect immigration on their way hither. Col. Gilliam, as you will perceive by the extra accompanying this, was accidently shot on his way from Waiilatpu to The Dalles. The Colonel was a brave man, and his loss is much regretted. He was appointed by your Excellency to the office of "*Agent of the post-office department.*" Nothing was ever effected in that department, as an advertisement was put in the paper offering to let contracts, but as the contractor was only to get his pay out of the proceeds of the office, and even that could not be guaranteed to him for four years, no one would enter into a contract to carry the mail, consequently no mail has been started in this Territory under the authority of the United States.

Feeling confident that you will aid us in our present difficulties, I have placed before you briefly our situation, merely stating in conclusion, we have told the Indians, in order to prevent them uniting against us, that troops and vessels of war would soon be here. I have the honor to remain, your obedient servant.

To his Excellency,
GEO. ABERNETHY,
JAMES K. POLK, *President of United States.*
Gov. of Oregon.

We will now turn to the events transpiring in the Willamette valley, which were of an exciting nature, but generally overlooked as the absorbing interest centered in the Cayuse country. The battle of Abiqua fought March 8, 1848, although not a severe one, was decisive in its effect in its stopping the Klamath Indians from entering the Willamette valley, as they had annually done for years during the winter months. The narrative of the engagement is given as related by Mr. John Warnock, a resident at the time in that neighborhood and a participant. He says:

"From 1843, and how long before I know not, the Klamath Indians were in the habit of bringing into this valley (Willamette) a number of Indian children as slaves or 'alytes,' as they styled them. These they traded to the Indians of the valley and the French settlers for Indian horses. These Indians made it a point to pass the winter in the valley, depredating on the whites, killing cattle, robbing houses and intimidating the fearful for blackmail; and as they intermarried with the Molallas, they chose the section of country inhabited by that tribe for their temporary residence. This tribal relation made it very convenient and somewhat plausible for the Molallas to lay any disagreeable responsibilities upon their visitors, the Klamaths, who in turn seemed to care little for their reputation so far from home. The Molallas, too, were notorious depredators, killing stock, stealing from houses, extorting provisions and good dinners from women in the absence of their protectors, but no charge of rascality could be made to stick against a Molalla, while the Klamaths could be made the scapegoat of such sins. The depredations during the winter of 1847-8 had increased to an alarming extent, and there was a growing conviction among the inhabitants of the eastern portion of Marion county that the *Klamaths must return home.*

To increase the general anxiety, two strange Indians from the east of the Cascade mountains, Cayuse spies or emissaries, arrived at the Klamath and Molalla camp about the 1st of March. The whites in the vicinity of the Indian camp, being apprised of their hostile intent, and fearing a general outbreak in concert with the Cayuses, now openly hostile, determined to forestall their designs. Accordingly John Warnock, M. Whitlock, R. Miller, Wm. Langlois, Lauren Thomas, John Stanton, M. Wilkins and several others, started to the Indian camp to obtain positive information upon the subject in which the white families of this valley were so vitally interested. When half-way to the camp, they met the Cayuses returning on foot and quietly took them prisoners. To all questions as to their business they refused to answer, and spoke very defiantly; they also said that the Klamaths would not leave, that they would take to the brush, and the whites could not dislodge them. The prisoners were placed upon the point of a precipice, about forty feet high, over the Abiqua, and three men left to guard them, while the remainder of the party proceeded to the camp to question Cooster, the Molalla chief. Cooster refused to be interviewed concerning the spies, and claimed the right of the Klamaths to stay, and that he would protect them. During the interview, guns were heard in the direction of the spies, and soon after the guard were met outside the camp bringing the news, that the spies had jumped off of the precipice into the river and fled, and the guard had fired on them, but without effect.

A short time after daybreak on the 3d and 4th of March, the combined forces of the Klamaths and Molallas, armed and equipped in war paint and feathers, exercising their lungs with the war whoop, presented themselves at the house of John Warnock and demanded that he should go with them as interperter to Mr. Richard Miller's, whom they considered a *hyas tyee* (great chief) among the whites, and of whom they demanded five horses as payment for the two Cayuses killed two days before. The foundation of their claim, however was poor, as Mr. Warnock had seen the spies alive and well the day before, and one of them showed him a lock of hair which he said had been cut from his head by a bullet shot by one of the guards. So Mr. Miller gave them a decided negative to their demands; his pantry suffering however. The passage of that warlike cavalcade of some seventy-five Indians over a distance of two miles, was not unheralded, and before the sun went down, the white inhabitants of Molalla, Howell Prairie, Waldo Hills and the Santiam, were aroused and in motion, and before the Indians had ceased threatening Mr. Miller, those settlers nearest the scene of action, seized their rifles and began to gather around the hostile savages, who sought the fastnesses of their rock walled and brush covered camp on the Abiqua bottom.

The next morning, the settlers had collected in considerable force. There were Capt. Allen Davye and a company of horsemen, Capt. Ralph C. Geer, with his company, Capt. R. Miller and his company of neighbors—all of the companies being depleted by the call of the Cayuse war. After a council of war, Uncle Daniel Waldo was chosen Colonel, and the troops proceeded in two divisions, the horsemen on the north or prairie side, and the footmen on the south and densely brushy side of the Abiqua to invest the Molalla and Klamath camp. The first notice we on the south side had of the proximity of the enemy, was a flight of arrows, when the firing on the part of the whites became general. But a short time elapsed until the chief Kat-ka, and two other Indians were killed, when the Klamaths retreated. The Molallas took no part in the engagement and were unmolested. The white troops upon the north side were within a few rods of the affray, but were held in reserve, or, rather, could not render any assistance without abandoning their horses, and the surveillance they were keeping over the Molallas, of whose course in the contest, all was uncertainty. A cold drizzling rain had commenced early in the morning, and the brush was loaded and constantly dripping, so that after a few discharges, more than three-forths of the guns were useless. Under this state of things, the troops returned to the place of rendezvous at John Warnock's. As nothing was known of the retreating Klamaths, and fearing that they might start homeward, committing depredations on their route, those persons living near the Klamath trail, returned home to care of their families. About forty remained, and the next morning proceeded up the Abiqua to ascertain the whereabouts of the Klamaths. A light snow having fallen during the night, their trail was soon discovered and they were tracked to a camp, surrounded by swampy ground, where they could have defended themselves sucessfully against treble their number. A flight of arrows as before, summoned the whites to the encounter. The action was brief but deadly. The chief Red Blanket and several others were killed, when the remainder betook themselves to the mountains. One of their squaws being wounded and unable to escape, was commissioned to carry to the survivors the assurance they could have three days in which to bury their dead and start home.

The Molallas have given the number of killed repeatedly to their friends among the whites, and that is probably the best evidence obtainable. I give the number at eleven upon the battle ground, and there is evidence to show that one or more died on their return, which was made indeed mournful by the constant chant of their death song for the unreturning braves. There were no whites killed, and only one, Mr. James Stanley, who lived on a farm near Salem, slightly wounded in the right breast by an arrow. There was also one squaw killed besides the one spoken of as wounded. They fought as bravely as the men, and in the melee, not being readily distinguishable were shot."

About this time, the people of Benton and Polk counties were having some trouble with the valley Indians, and marauding parties from Tillamook who committed some robberies, burned a house and killed an old man who was living alone near the line of Yamhill county. On March 12th Hon. Jesse Applegate wrote a letter to Gov. Abernethy as follows: "The people of Benton county have again come into collision with the Calapooia Indians. Two Indians were slain and ten others taken and scourged severely, and lastly, the Killamooks from the coast have committed some robberies in Yamhill." The *Spectator* of March 23d says: "We learn that in the upper portion of this valley, several of the Calapooia Indians have been severely whipped by the whites. It is said that the Indians commenced stealing the cattle of the whites, and continued it, although warned to desist, until the whites rallied, followed and overtook the Indians while driving off a number of cattle, and severely whipped ten of their number." The last mentioned trouble occurred previous to the battle of Abiqua, and there is no doubt that if the Klamaths had not met with such a sanguinary defeat, and that defeat in the presence of their friends, the Molallas, there would have been serious trouble with the valley Indians. But the result of that battle was quickly known by them all, and they remained quiet, believing that the whites could and would annihilate them.

Having disposed of the most material incidents of the valley, we will now return to the army invading the Cayuse country.

WAIILATPU, March 10, 1848.

GOV. ABERNETHY,—SIR. Little has transpired since my last, except the interview the commissioners have had with the Nez Perce Indians, of which they will inform you as they leave here to-morrow for the valley. The enemy are encamped on a creek about twenty-five miles from this place, and it is supposed they are fortifying. I am informed by the friendly Indians that they are upwards of 400 in number. I shall however leave here tomorrow with about 250 men, which are all that can be spared from this place. It is absolutely necessary that more men should be sent on immediately, to enable me to keep the field. The number of men who have been left at The Dalles and will be left at this place, reduces the force too much to carry on operations as effectually as I wish. Every exertion should be made to forward men. If men can be obtained for three months, send them on. Some of the men's terms will expire shortly and every one almost will wish to go home. Beef in abundance can be obtained of the best quality for a large number of men, and by having a large force, the Indians will soon be compelled to submit, and thus bring the war to a close much sooner.

Yours respectfully, C. GILLIAM,
Col. 1st Reg. O. R.

When the peace commissioners met at The Dalles, they wrote a letter to the Yakima chiefs, and sent them a present of tobacco, a flag, and other articles to propitiate them. This letter was taken to Bishop Blanchet, who read and had it interpreted. The following reply was sent by the Bishop to the commander of the army:

[Translated.] CAMP OF CIAIES, Feb. 16, 1848.

M. COMMANDER. The Yakima chief Ciaies and Sklo have just presented me a letter signed by Messrs. Joel Palmer, Robert Newell and H. A. G. Lee, which I have read, and a young Indian, son of one of the chiefs translated it to them in the Yakima language. The chiefs above mentioned, charged me to say to you in their name, in those of Carnaiareun and of Chananaie, that they accept with acknowledgement the tobacco and the banner which you sent them. They have resolved to follow your counsel and not unite themselves with the Cayuse, but to remain at rest on their lands. On my arrival at the camp of Ciaies, that chief assured me that he would not join the Cayuses. I could but see with the greatest of pleasure, dispositions which will prevent the spilling of blood, and which will facilitate the means of instructing those Indians. Your humble servant.

G. Blanchet
Missionnaire chez les yakamas.

Mr. Peter Skeen Ogden wrote the following inquiry and advisory letter which also evinces some nervousness on the Indian question. We give the letter as it is:

Mr. George Abernethy, VANCOUVER, March 21, 1848.

MY DEAR SIR. I duly received your note with the letter enclosed, which has been duly forwarded to the States, and trust it will reach its destination in safety. Our express, three boats, thirty men, three gentlemen and our Bishop, all well armed. left yesterday afternoon, and the precaution has been taken to have thirty horses in case they cannot proceed with the boats, as the express must go on to its destination. Pray, what is the object of Woodworth's visit? For volunteers in numbers, it cannot be! His ship being too small, nor can the country afford in its present unsettled state of affairs in the interior; and I fear, likely to be in the upper part of the Willamette, if reports are to be relied upon, spare any. I fear it will require all to protect our *adopted country*. Appearances have a gloomy aspect, may we hope it will soon pass away, and that brighter days are in store for us. I have written to my friends on the east side and forwarded those you sent. On the arrival of our boats at Walla Walla, a party will return to this place and if Newell does not arrive from the interior, we shall then have no news from the army. Mr. McBean has a good opinion of the commissioners, and writes me they acted with judgment, but fears the General will commit some rash act. What does Campbell[1] report in regard to the intentions of the American government in regard to Oregon? Do they intend to let it stand over until the Mexican affairs are finally settled. I hope not, it is now more than full time decisive measures should be adopted for the safety of one and all. You have certainly done your part well, and if the Government would but liberally supply the sinews of war—money, the country can well be defended with her own resources. You ought to have forwarded a duplicate of all your dispatches by our express in July,[2] and they would be in Washington, if Meek *does* escape, they will not be there long before that.

Yours truly, PETER SKEEN OGDEN.

The peace commissioners returned to Oregon City on March 23, 1848. On their way down, they held a conference with the Des Chutes Indians, and they promised to remain friendly with the whites and give no assistance to the Cayuses. This in conjunction with the neutrality of the Nez Perces, Walla Wallas, Yakimas, and a portion of the Cayuse Indians, left the hostile portion of that tribe ostracised and more easily handled. This news caused general rejoicing throughout the valley, and while the people were exchanging congratulations, the news came that Col. Gilliam had lost his life by accident as he was returning from Fort Waters to Fort Wascopam for provisions; thus untimely was cut short the life of Cornelius Gilliam, a man well worthy of the position assigned to him.

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[1] John G. Campbell had gone to the States in 1846-7, and returned via Sandwich Islands on the British barque *Janet*.

[2] This was the annual H. B. C. express up the Columbia and across the continent to Montreal.

The following letter written by Capt. H. J. G. Maxon, will well repay perusal, as it gives an account of the battle on the Tucanon. I follow the spelling as used at that time:

FORT WASCOPAM, March 28, 1848.

ADJ. GEN'L. LOVEJOY. It becomes my painful duty to communicate to you the sudden and unexpected death of Col. Cornelius Gilliam, who was shot by accident on the 24th inst., whilst on his way to this place. I was at some distance from the wagon where the accident occurred, and therefore refer you to the notes of his brother-in-law and son-in-law for particulars. The notes are herewith transmitted.

The remoteness of superior officers, the seniority of my commission in this division of the service, together with our present report to you of the recent proceedings and present condition of the army. You are doubtless advised of our proceedings up to the 10th inst., at which time we left Fort Waters with about 200 men, and proceeded in search of the enemy as far north as the Touchet river; at which place we met Sticcas with a portion of Dr. Whitman's property that he had induced the murderers to give up. Some fifty head of cattle, half that number of sheep, a dozen horses, $200 worth of clothing, and $56 in cash, was all he could obtain. On the morning of the 18th, Capt. English with a number of others, whose horses were too much reduced to continue the pursuit, were ordered back to the fort with the property—and the remainder, 158 men, continued the pursuit until 2 P. M., when we encamped at a spring in the vicinity of the river Tucannon. There, Johnson, Weteploleski's son, came to us with assurance of friendship from the *Young Chief*, and solemn declarations that *he* would have nothing to do in the matter. Johnson informed us that the Young Chief was encamped on the river a short distance above us. The enemy divided and dispersed—Tamsuky had gone to the land of the Red Wolf. Tiloquoit, and the remainder of the murderers had gone the preceding day down to the mouth of the river Tucanon, to cross Snake river into the land of the Palouses. At dark, we mounted and proceeded to the mouth of the Tucanon in the vicinity of which we arrived about two hours before day, when we discovered we were amongst their stock. We rested until daybreak, when we moved down upon them wholly unperceived, until within half a mile of their camp. Though their surprise, dismay and consternation, were indescribable, it nevertheless failed to deprive them of their long sighted policy of cunning and deception, by which they have so often escaped our vigilance, and upon which without a hundred advantages, they had always rather depend than the force of their arms.

When within 400 yards of their camp, we were met by an old man unarmed with one hand on his head, the other on his heart—assuring us they were friends, the people of the Yellow Serpent, and would not fight us. That the murderers were gone, and our only resource would be to take their stock, with which the hills around were covered. We went to their camp—found all the men painted and armed, but from their repeated assurance of friendship were ordered not to fire, but to proceed to the hills and collect their stock. When we reached the highlands, we saw Snake river just below, full of stock, swimming over and thousands ascending the opposite bank. We succeeded however in securing about 500 head of horses and cattle, and proceeded about one mile on our route to the fort, when we were attacked in the rear by a large party of Indians; those we had just spared and Palouses to the number of about 400. We continued a very warm marching fight until about dark, when we encamped on a small stream without food or fire. They were shooting in our camp all night and annoyed our guard so much, that we turned out the stock. At daylight we renewed our march and with it the fight, as vigorously as on the day preceding until within two miles of Touchet crossing, when the enemy charged at full speed to the river to get possession of the brush at the ford, in which, owing to the swiftness of their horses they partially succeeded. The history of savage warfare contains few instances of greater Indian prowess and daring, than the scene which followed. The struggle for the ford was obstinate for some time, the fire of the combatants mingled together, evinced the obstinancy of the combat. And here I must say had it not been for the bold and decided stand of a few young men at the most vulnerable point, the army must have sustained a heavy loss in crossing the stream, perhaps have been thrown into confusion and cut to pieces. In an hour, the sound of our rifles had hushed. We were all over the river alive, and but nine or ten wounded, none mortally. It was not so with our enemy. The deafening roar of their musketry which had been sounding in our ears for thirty hours had died away. Their shrill war whoop was changed to the melancholy death song; while a number of their lifeless brothers who lay on the field, heard not their mournful elegy. They called off their warriors, more anxious to leave the ford of the Touchet than they had been to gain it.

We moved on to the fort, at which place we arrived on the evening of the 16th, worn down with fatigue and hunger, having eaten nothing but a small colt for three days. Two days after, a council of officers was convened, in which it was resolved that we had accomplished all we could without more men and ammunition, and that it was best for 150 of us to proceed forthwith to this place, and remove a sufficiency of ammunition, and confer with you on the further movements of the army. Col. Gilliam was accompanying us in pursuance of this resolution when the fatal accident of his death occurred, at the springs this side of Umatilla river. We brought with us all the wagons but two, and find here about fifty men, no ammunition, and little provisions.

Something must be done, and done at once, or we must abandon the war and have the Indians in the valley in a month, stealing our property and murdering the frontier families. We want, and want very much, a good commander. Col. Waters will not accept the chief command. We must have a commander of prudence, wisdom and perseverance, and above all, he must possess the entire confidence of the regiment. You have three there, either of which has the confidence of the regiment. Maj. Lee as fully as any other man. A force of less than 600 men cannot successfully carry on operations, as the enemy have that force or more in fifty miles of Fort Waters. What men we have are in a destitute situation. Some almost without clothing, many without horses, as the principal portion of the horses we have taken, have been claimed by friendly Indians and given up to them. What few remain not worn out, are in the hands of a few and cannot be used. The army threatens soon to be disbanded on account of the expiration of the time of many who have made short enlistments. Captains McKay's and English's companies claimed to have enlisted for three months. Captain Thompson but four months; this should be investigated. There are 150 of our boys in the very heart of the enemy's country, almost without ammunition—wholly without bread. I shall be constrained to remain here until I receive orders from you, for which I shall look with all possible speed. Their situation is truly a critical one, and there is no ammunition here to take to them. If there is a continuation of operations, I hope there will be more patriotism shown in the Willamette valley. Indeed there must be or we are lost. Fathers! Please evince your patriotism by sending a little bread to him who is fighting through cold and hunger to protect your warm and comfortable hearths. Mothers, evince that pure and noble patriotism characteristic of your sex, by sending up a few warm garments—and daughters, evince your angelic influence for your country's good, by withholding your fair hand, and fairer smiles from any young man who refuses to turn out to defend your honor and your country's rights. Were this universally adopted in the valley, there would be old batchelors enough to close this matter at once.

Mr. Magone was elected Major to fill the place of Major Lee, if he does not return. Major Magone will probably need a commission, as we have suffered much for want of ours. The Spokanes and Ponderas have sent us word they would join us. The Colonel wrote to them if they would deliver him up the murderers, he would give them the property. The Des Chutes and Walla Wallas both would help us if necessary, were the proper course taken with them. Several of the boys are quite anxious to return home to save their farms, learning that some men who have staid at home, have been so unmanly as to occupy them in their absence. A decided stand of the citizens, as well as an assurance from you, that their rights will be protected, would be productive of beneficial results. Yours,

H. J. G. MAXON,
Capt. 4th Co., O. R.

Statements referred to in Captain Maxon's letter:

FORT WASCOPAM, March 28, 1848.

We were within fifty yards of the deceased Colonel when he was shot. We heard the discharge of a gun, and some one said, "there is a man shot." We went on and were told that it was Col. Gilliam. When we arrived at the spot, we inquired how it happened, and were informed that the Colonel went to the hind part of the wagon to get a rope, to stake out his horse with; that California[1] remarked that he would get it for him, and went to the fore part of the wagon for that purpose, and caught hold of a mat and pulled it, when a gun in the wagon discharged; and it was supposed that the cock of the gun caught in the mat, which was the cause of the discharge.

A. GAGE,
WM. SHAW.

As mentioned in Capt. Maxon's report, the council that had been held to consider the situation was not a harmonious discussion. Col. Gilliam was in favor of calling out all the men possible and giving the Indians a thorough thrashing, thus forcing a lasting peace. It is also evident that he entertained a very poor opinion of the friendship of the surrounding Indian tribes, and especially of the Cayuses that were not directly implicated in the massacre, and were evidently taking care of the stock of the hostile portion of the tribe. As an index to some of the officer's opinions the following letter from Capt. Leven N. English is presented:

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[1] California was the name that a Mexican went by, and I have been unable to ascertain his true name. There was an idea entertained by some that the Mexican shot the Colonel purposely. I have been told that a hickory ram or wiping rod was in the gun and that it penetrated the Colonels head, causing instant death.

Gov. Abernethy: WASCOPAM, March 28, 1848.

SIR. There was a council of war held by the officers, and some difference of opinion expressed in regard to conducting the war. I do not think it necessary to raise 600 men to be sent to this part of the country, as the Indians are scattered, and all that is necessary is to hold the two forts until relieved by the United States government. I do not think it necessary for me to remain with my company any longer and create a larger debt for the Government. Capt. Maxon will leave The Dalles with ammunition for Fort Walla Walla. Yours with respect.

L. N. English

The peace commissioners returned to Oregon City from their mission and submitted their report to the Governor (inserted after the following letters) and evidently considered the war about closed. At the time they started to return, Col. Gilliam with his command marched for Snake river and fought the battle of Tucanon, but came very near near being defeated. On the return to Fort Waters and the council of war, Col. Gilliam started to Fort Wascopam for ammunition and provision, but unfortunately met with an untimely accidental death. Before the news of the battle of Tucanon and his death had reached Oregon City, Governor Abernethy had appointed Maj. Lee, Superintendent of Indian Affairs upon the resignation of Gen. Palmer, and ordered him to proceed to the Cayuse country to assume charge of his office. The policy of the war so changed, that it was determined to merely hold Forts Wascopam and Waters. To do this, three companies were to be organized. Two to hold Fort Waters, and the other Fort Wascopam, and the whole to be under the command of Lt. Col. Waters. Peremptory orders were sent to Col. Gilliam to report without delay at Oregon City, with the remainder of the army. The cause of the latter order was the alarming state of affairs in the Willamette valley. The battle of Abiqua had been fought, a collision had occurred in Benton county between the whites and Indians, in which two of the latter had been killed and ten more severely whipped, while the Tillamook Indians had raided the valley in Yamhill county—killing stock, burning a house and killing an old man who occupied it. All this coming in to the Governor within a few days; undoubtedly decided him to send for Col. Gilliam to come down and take charge of this new field of operations. But death intervened, changing the programme, and the orders though written were never delivered. The following will substantiate my statements:

OREGON CITY, March 31, 1848,

SIR. I place in your hands two letters for Col. Gilliam, the one endorsed on the back, favor of H. A. G. Lee, and sealed, you will hand to him on your arrival at The Dalles, for organizing three companies, and require him to return to this valley with the remainder. Should he not attend to this, or show no disposition to do so in two or three days after the first, hand him the other which I leave open that you may know one from the other. Put a wafer on it before handing it to him. Please hand Col. Waters his letter. If there is a prospect of an engagement with the Indians that must take place, retain them all until the danger is over, unless you can see good cause for handing him the one to report to me at once. If you do, send me the reasons. I leave this discretionary with you, believing you will do what you think is best for the country. I remain yours,

GEORGE ABERNETHY,

H. A. G. LEE, *Sup't. of Indian Affairs.*

[Favor of H. A. G, Lee.] OREGON CITY, March 31, 1848.

SIR. Since receiving your letter requesting a large number of men to be sent up to your aid, I have received the report of the commissioners appointed to treat with the Indians above; and learn from that report, that they have succeeded in detaching the neighboring tribes, and part of the Cayuse tribe implicated in the murder of Dr. Whitman and others. This together with the difficulties attending the raising of men without means, and the present threatening aspect of affairs in the Willamette valley induces me to order as follows: Organize three companies to consist of not less than fifty men, nor more than sixty men, rank and file. If one or two, or the three companies can be enlisted to serve for six months, or until the troops of the United States reaches this country and relieve them, it of course will be performed; if not, take such men as have enlisted for the longest term. Two of these companies will be stationed at Waiilatpu, the third at The Dalles. You will take command of the remaining companies and return with them to the Willamette valley as soon after the receipt of this as possible. I am not certain but that some fighting will have to be done in the Willamette valley. Lt. Col. Waters will take command of the three companies left in the upper country. Reports say that seven Klamath Indians were killed this week in the neighborhood of D. Waldo's.

COL. C. GILLIAM, GEO. ABERNETHY,
Col. 1st. Reg. O. R. *Gov. and Commander-in-Chief.*

[Unsealed order.] OREGON CITY, March 31, 1848.

SIR. On receipt of this, you will leave the command of the troops above with Lt. Col. Waters, and report to me at Oregon City with all possible dispatch.

COL. C. GILLIAM. GEO. ABERNETHY,
Gov. and Commander-in-Chief.

OREGON CITY; March 31, 1848.

SIR. I have ordered that three companies be formed from the companies in the field, and when organized, that they be placed under your command. Two of them you will station at Waiilatpu, which you will make your headquarters

The other company you will station at The Dalles. You will see that the property of the friendly Indians is protected, and use every effort to promote good feeling between them and the whites. It is highly necessary that a force sufficient to garrison Waiilatpu and Wascopam be retained in the field. To keep the Indians in arms [away], and to protect those disposed to be friendly from the attacks of the Cayuses. H. A. G. Lee, late Major of your regiment has been appointed Superintendent of Indian Affairs. There should be a unity of feeling between the Superintendent and the commanding officer. You will therefore consult together, and when any particular plan is agreed upon between you, use every effort to carry it out. I feel satisfied that we have not the power to carry on a war with the powerful tribes of the interior, and feeling certain that the troops of the United States will be here this coming fall, I think it best to defer any active operations until they arrive. Of course no peace will be made with the murderers, and every effort will be made on your part to obtain and punish them. Flour, etc., will be forwarded to The Dalles. You will send a party down there when you want flour, of sufficient force to protect the provisions. Pack horses I should recommend as the most expeditious method of getting your supplies. Protect the crops in the ground at Waiilatpu. Mount the large gun and a small force will be sufficient to protect it. Indians should not be permitted to rendezvous in or near the fort.

Yours truly,
GEO. ABERNETHY,
Gov. and Commander-in-Chief.

LT. COL. WATERS.

OREGON CITY, March 31, 1848.

SIR. I have instructed Col. Waters who will be left in command of the troops at Waiilatpu to consult with you, that there may be unity of feeling between you, and that the plans adopted by you in counsel be carried out. I need not give you any particular instructions in regard to the Indians, further than that contained in my letter to the Superintendent and commissioners under date of Feb. 3d last. I feel satisfied that every exertion will be made on your part to allay excitement and if possible to get possession of the murderers. Yours truly.

GEO. ABERNETHY.
Governor of Oregon.

To H. A. G. LEE.

Upon the receipt of the news of the battle of Tucanon and the death of Col. Gilliam, it seems that it was determined to send more men and retain in the field as large a force as possible for the time being. Maj. Lee was appointed Colonel over Lt. Col. Waters, as well as holding the office of Superintendent of Indian Affairs, and ordered to take with him the three new companies just organized. This appointment undoubtedly was caused by the letter of Captain Maxon, who stated that Waters would not take the command. Besides Gov. Abernethy had more confidence in Lee's ability than any other man in the Territory.

On March 28, 1848, Gen. Palmer resigned the office of Supt. of Indian Affairs, as he could not attend to the duties, and fill the offices of Quartermaster and Commissary Generals.

Mr. Ogden wrote the following letter and enclosed a well written eulogy on Col. Gilliam that was published in the *Spectater.*

VANCOUVER, April 1, 1848.

Mr. Geo. Abernethy:

DEAR SIR. If after perusal, you deem the enclosed worthy of insertion in the *Oregon Spectator*, it is at your service; if not, send it back. I am not aware of the feelings of the good people of Oregon in regard to the late Col. Gilliam. He was a stranger to me, and the outline of his character which I have obtained from others, may perhaps tend to have a good effect.

I duly received your last favor and thank you for your news, but on some tidings I leave you to form your own opinion, as to their being good or bad. Many circumstances, and prudent ones, obliged the army to retreat, thus stop the war. But few in our estimation bearing the cares, this cannot be called a retreat or even a defeat. But unfortunately the Indians will take a very different view of it and give it a different construction from weakness of the army during the absence of so many men to The Dalles. Should an attack be made on the army, I dread the result, but not, if the officers and men, were united, they would then make a formidable resistance.

Capt. McKay will give you every particular. His stay here was too short to obtain correct information, and full allowance must be made for his news, but you know him well. He speaks in high terms of the bravery of the volunteers in action; but not so much so in regard to their discipline. I was glad to hear that he intends to return, and the sooner the better. In case he should change his mind, knowing his character so well, it would not at all surprise me. This day we have a report here in circulation of a war nearer our firesides. Surely one is more than sufficient in the present defenseless state of the country, and more than sufficient for the resources of the unfortunate and neglected country. In making these remarks, I consider myself perfectly justified, for it appears to me, and must also to many others, that the United States Government has been more remiss in not sending, if not forces, the means of defending it—money. They may have cause to regret it when too late, for I fear blood will be made to flow freely, and ere I leave this subject, let me add that present appearances, have a gloomy aspect, and may brighter days now shine on us, is my fervent prayer.

Major Hardie has not yet honored us with a visit. I should regret not seeing him, as from my long experience in this country, I might be able to impress on his mind the absolute necessity of rendering us speedy assistance. Palmer's resignation did not surprise me. Yours truly,

PETER SKEEN OGDEN.

To the above, Gov. Abernethy sent the following reply which also explains more fully the reason for promoting Maj. Lee over Lieut. Col. Waters on the death of Col. Gilliam. It is evident that there had been some differences of opinion among the the officers, also between Col. Gilliam and the peace commissioners, when, considering the weakness of the invading army and the surrounding circumstances, there should have been perfect harmony. Then the failure of Col. Gilliam to attack the Indian camp on Snake river near the mouth of the Tucanon was an admitted blunder. While many did not consider that the Colonel had been outwitted by the wily Indians, others held a different opinion, and that caused some ill feeling, which most probably would have been brought prominently before the public if Gilliam had not met an untimely death. That Col. Gilliam was a brave officer there was no doubt. He also stood well in the estimation of all his acquaintances both in the States where he formally resided, and in his new home in Oregon. That was the reason of his appointment as Colonel of the Oregon army; but whether he possessed as high a degree of military talent, or as keen an understanding of the Indian character as Major Lee, is a question difficult of settlement at the present day.

OREGON CITY, April 4, 1848.

DEAR SIR. I received your favor of 1st inst. I handed the obituary notice to the editor, and feel very much obliged to you for it, and hope you will occasionally favor us with your pen. I regret very much the circumstances that caused the retreat of the army to Waiilatpu, and was bringing Col. Gilliam to this place. I have heard for sometime that there was a want of unison in the army, and really hope that hereafter this feeling will be done away with. I have appointed H. A. G. Lee, Colonel in place of Col. Gilliam deceased. I had appointed him Superintendent of Indian Affairs, before I heard of Gilliam's death. I am in hopes he will succeed in establishing peace and obtaining the murderers. It is uncertain about McKay's returning, he says he has no wheat in the ground. I have heard a good deal about the Klamaths, but nothing official. All reports I receive are letters from one of the volunteer Captains that incline me to think the reports are much exaggerated. I hope they are for the credit of the settlers; as you say, "one war is enough." I hope Maj. Hardie will visit you before he returns. You will see by the proclamation what my feelings are on the war question. We are into it and must keep up a good front if possible. I think we will *at least*, be favored by a visit from an American sloop-of-war; if we are not, I think our Government is determined to do nothing for us. Wonder what they would do if we should apply to Great Britain for a loan of £100,000 to carry on our operations? I presume we would have a government formed in double quick time. Report says more vessels are on their way. I have had applications as follows: To go to Washington; to Gov. Mason; and to Salt Lake for assistance. I am afraid the Mormons might be as bad as the Indians—and have refused all. Yours respectfully.

TO PETER SKEEN OGDEN.

GEO. ABERNETHY.

Mr. F. W. Pettygrove wrote to Gov. Abernethy for a Mr. Hastings, who offered to go to Salt Lake and implore the aid of the Mormons in suppressing the hostile Indians. It is not probable that Oregon would have received any aid from those dwellers of the desert. I have been told by one or two of the men who fought in the Cayuse war, that some of the guns captured, had the Mormon brand on them, and that the powder used was better than the Hudson's Bay "Indian powder." It is probable that this statement is more of a surmise than a historical fact. The following is Governor Abernethy's reply

OREGON CITY, April 5, 1848.

DEAR SIR. I received yours of yesterday. I do not think we will need the help of the Mormons. I am in hopes the Indians will deliver up the murderers for their property. Col. Lee will have this in view when he goes up. I have armed him with double powers. There can be no difference between the Superintendent of Indian Affairs and the commander of the army as to the policy to be pursued. I think Col. Lee will accomplish the object we have in view. I am much obliged to Mr. Hastings for his offer. If things take a turn and look unfavable, I shall be happy to avail myself of his services. Yours truly.

GEO. ABERNETHY.

F. W. PETTYGROVE.

We will now turn to the report of the Peace Commissioners, correspendence, etc. It is quite long, but as it necessarily occupies an important place in history, it is inserted :

OREGON CITY, Feb. 3, 1848.

SIR. I have appointed Major Lee and Robert Newell, Commissioners, to act with Gen. Palmer, Superintendent of Indian Affairs, for the purpose of settling the present difficulty with the Indians in the upper country. I have ordered them to hold a council with the field officers of the army, to decide on the steps necessary to be taken, as there should be entire unity between the officers and commissioners. If you think it best to proceed at once, with the main body of the army to Waiilatpu, do so; selecting immediately on your arrival, the best point in your judgment, for erecting a fort. Grass, water and wood, will be the principal objects. The Indians have no cannon and could not annoy a fort from a distance. Should the tribes combine together, and refuse to comply with the requisitions of the Commissioners, I leave the field in your hands; respecting, however, the lives and property of all friendly Indians. I shall wait with much anxiety to hear from you, until then I remain your obedient servant.

GEO. ABERNETHY,
Gov. of Ogn. Ter'y.

COL. C. GILLIAM,
1st Reg. O. R.

OREGON CITY, Feb. 3, 1848.

GENTLEMEN. The object of appointing you as commissioners, to treat with the Nez Perces and other tribes, is to avert a general war with the Indians of the upper country, and to prevent a union among the tribes as far as possible. To effect this, every effort should be made on your part as far as is consistent with the honor of American citizens. There are some requisitions that must be complied with on the part of the Indians, and must be insisted on by you, viz.: All the murderers and those that forced the young women, must be delivered up for punishment; the property taken delivered up, or an equivalent given, and restitution made of the property stolen from the immigrants last year; this you cannot ascertain, but it can be so arranged, that persons who had property stolen from them can get it hereafter, or an equivalent. I am aware the greatest difficulty will be in obtaining the persons of the murderers, but the Indians must be given to understand in the commencement of negotiations, that this must be done; that no compromise can be made. There may be some among those who are implicated in this affair, around whom some paliating circumstances may be thrown, these you will take into consideration, but the principal actors should be executed in the presence of all the tribes.

You will hold a council with the field officers of the army, and decide in council, what steps shall be taken to accomplish the much desired object, restoration of peace. You will use every exertion to have the property and lives of our fellow-citizens, that may be hereafter traveling through the Indian country, preserved; the chiefs are able to govern their own people. Make as advantageous a treaty with them as you can, binding them to use their influence to protect American citizens. On your arrival at The Dalles, you must be guided by circumstances, as to the time and place of meeting the chiefs; but let runners be sent among them informing them of your intentions and object.

GEO. ABERNETHY,
Gov. of Oregon Ter'y.

To the honorable commissioners appointed to treat with the Nez Perces, and other tribes.

OREGON CITY, March 6, 1848.

SIR. The undersigned, Superintendent of Indian Affairs and Commissioners appointed to visit and treat with the various Indian tribes east of the Cascade mountains, beg leave to submit the following joint report of their proceedings.

On the receipt of our commissions and instructions, we proceeded immediately to Wascopam; where according to our instructions, we held a council with the field officers of the army, and it was agreed in counsel that we should go in advance of the army, taking with us Capt. McKay and his company, so soon as he should arrive at that place, with as many others as might be deemed necessary for a safe escort, including Mr. Meek and his party, first to Fort Walla Walla, and then if necessary, to the Nez Perces country, in order to prevent an alliance of these tribes with the Cayuses, in the war against the Americans. Capt. McKay did not arrive till the evening of Feb. 13th. In the meantime we saw and conversed with many of the Indians about that place. They were evidently alarmed at seeing so many armed men in their midst, and feeling guilty, perhaps, of having mistreated the emigrants. We made them acquainted with our business, as Commissioners, and Gen. Palmer was pointed out to them as Superintendent of Indian Affairs. On the 14th, two Yakimas came to the fort, saying they were sent by their chiefs to learn the truth as to the intentions of the whites—that the Cayuses have been several times to see them since the massacre, and had offered them horses and cattle, if they would join them, telling them the whites were coming to kill them all. They had not joined the Cayuses, but wished to know the true intentions of the whites. They said, they had never troubled the whites—that the whites did not pass through their country, because it was not on the road traveled by the emigrants—and finally, they thought the Cayuses had done very badly in killing Dr. Whitman. We gladly embraced this opportunity to form an acquaintance with these people, and to give them correct information as to the object of the present campaign; and hearing they had a priest with them, we wrote to the chiefs—sent them a flag and some tobacco as a mark of friendship.

To-day the regiment was ordered to be in readiness to take up the line of march for Walla Walla to-morrow at 10 o'clock, and we were informed by the commander that he could not furnish us an escort to go in advance—as he thought it unsafe to divide his forces. On the morning of the 15th, before we marched from this place, two of the Des Chutes Indians came in for peace. They belong to Sue, Seletza's older brother—he is quite an old man and had not been in battle against us, though some of his people had; but said they were forced to do so in order to escape the same treatment from the Cayuses, that Seletza had received. We spoke to them about as we had done to the Yakimas the previous day, and sent the old chief a similar present, with a request that he should meet us on the road; as we could not wait at the fort.

Disappointed in our wish to go in advance of the regiment, and fearing the Nez Perces and Walla Wallas might be driven to hostilities, we determined to dispatch a messenger to them. Old Elijah, an Indian professing to be a Nez Perces, who had accompanied Messrs. Newell and Palmer from Oregon City, was thought to be the most suitable person at our command. Accordingly on the 20th, from the upper crossing of the John Day's river, he was sent forward with a letter from Rev. H. H. Spalding to the Nez Perces chief—a flag and some tobacco to them from us, and a letter to Mr. McBean, to whom he was directed to deliver the package. He, however, unfortunately (or designedly) fell in with the Cayuses before he reached Walla Walla, and was retained as prisoner, the flag and tobacco appropriated to their own use, but the package, being directed to McBean, was sent to him by Young Chief, who afterwards intercepted and destroyed his reply to us. Fortunately, two Nez Perces, Timothy and Red Wolf, arrived at Walla Walla just as McBean received the package, he made known to them the contents of our letter to him, in which Mr. Spalding's letter to them was mentioned, he gave it to Timothy, who readily opened and read it aloud; after which, these two men immediately set out for their own country, bearing with them Mr. Spalding's letter and also the information they had gained through our letter to McBean, which was also communicated to Yellow Serpent (Walla Walla chief). To this fortunate occurrence we owe, perhaps, much of our success in preventing a general combination of the Indian tribes against us.

On the 23d, Sue, the Des Chutes chief came to our camp on Willow Creek, bearing the flag we had sent him, accompanied by twelve of his men as an escort. We had a frendly talk with him, and Capt. T. McKay, received by him a fine horse as a present from Waluptouleekt, from whom Col. Gilliam received a message by the same, saying he would bring in all the property left with him and all that had been taken from the emigrants by his people, and deliver it up to the Colonel on his return to Wascopam, if it would make them friends. The Colonel replied it would. We all sent word to the same effect, and requested Sue to meet us again at Wascopam on our return, and to tell all the Indians to do the same, as we wished to talk to them. At daylight on the morning of the 24th, a boy of Seletza's came to us at the springs, bringing us an express at Wascopam, which proved to be a letter from Rev. Mr. Blanchet, missionary to the Yakimas, to whom we had written from Wascopam on the 14th. This letter had been sent to that place with some presents to us from the Yakima chief, a translation is herewith submitted:

CAMP OF CAYUSES,[1] Feb. 16, 1848.

SIR. My Indians have this moment handed a letter signed by you and Messrs. Palmer and Lee. I have read it and explained it to them by means of an Indian who understands French a little. All the Yakima Indians, request me to inform you that they are firmly decided to follow your advice and not join the Cayuses. They request that their decision should be made known to the Governor. If you can do this, they will be much obliged to you. Your letter to the Yakima chiefs, has been very opportune, and gratifying to me as it proved the absurdity of the reports spread against the Americans, and which I contradicted, as I felt convinced that the innocent would not be made to suffer with the guilty. I am perfectly satisfied with the conduct of the Indians with me, as it will afford an opportunity to the missionaries, of instructing this people, which is the only means of civilizing them, and attach them to the government. I do not know, if I am mistaken, but I believe I had the honor of meeting Mr. Newell at the Willamette, at Mr. McKinley's about four months ago. It is for this reason I address myself to you, and do it in French, not being sufficiently master of the English language to do so in it.

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[1] It should have been "Camp of Claies" the name of the head chief's village, instead of "Camp of Cayuses."

Your humble and obedient servant. G. BLANCHET,

Missionary among the Yakimas.

The Cayuses met us in battle array a few miles from these springs with all their allied forces. We made every exertion in our power to get to speak with them, but could not. A battle ensued, the particulars of which you have from the proper source. After the battle, however, we succeeded in getting a talk with the Finlay's (half breeds), which opened the way for negotiating with all the tribes. On our approach to Walla Walla, we received the accompanying letter from McBean in reply to the one from us by one of the Finlay's:

FORT NEZ PERCES, March 4, 1848.

To the Commissioners:

MESSRS. PALMER AND NEWELL.—GENTLEMEN. I have to acknowledge your esteemed favor of this date, which was handed me this evening. I am happy to learn that your success to effect peace, has so far rewarded your endeavours and that the Nez Perces are on your side. Previous to their visiting you, the most influential chiefs came to me to know your real intentions, which I fully explained and addressed them at length. They left me well disposed, and I am glad to learn they have acted up to their promise. I now forward letters to Fort Hall and Fort Boise, and have to request in behalf of the Company, that you be kind enough to get them forwarded by Mr. Meek. They are of importance—on their being delivered, depends loss or gain to the Company, and by so doing you will confer a favor on us, Your most obedient servant, WILLIAM McBEAN.

P. S. Please present my best respects to Gen. Gilliam and Maj. Lee.

Our first interview with Yellow Serpent, was at Walla Walla on the 28th. We found him decidedly friendly and withal prudent and sensible. He visited our camp frequently afterwards—furnished some beef cattle to the army, and was in the general council, which was held at Waiilatpu on March 7th. There were present also the Cayuse *War Chief* Coshmashpello, and the following Nez Perces, Joseph (head chief during the absence of Ellis), Jacob, James, Red Wolf, Timothy, Richard, Kentuck, Luke, Stupetpenin, Youm-tama-laikin, Thomas and about 250 men. Col. Gilliam, C. W. Cook, Asst. Quartermaster, Capt. McKay, Mr. Craig, and a few others of the regiment were with *us*. After the pipe of friendship had passed around till our hearts were all good and our eyes watery, we informed them that we had a communication to them from our head chief in the Willamette, and we wished them to break the seal, which they did, and we read it to them, which called out the feelings and views of nearly all the chiefs. The substance of the whole amounts to about this: They had no knowledge of an intention on the part of the Cayuses to murder the Doctor, till the deed was done. When they heard it they were grieved. Some of them came to see the chiefs, and enquire who had been guilty of so foul a deed—*they had a law amongst them*—that when one committed murder, he forfeit his own life. They had one head chief—they all listened to his words. Their old chiefs who were now dead, had told them to be friendly with the Americans, and they had not forgotten their words. The Cayuses had told them the Americans were coming to kill all the Indians and to take their lands, but they still came to see us. They had not killed Mr. Spalding, but *protected* him. They asked him to stay with them, his property was still there. They would not join the murderers to fight us.

To the Great Chiefs of the Nez Perces, and other Tribes:

BROTHERS. I speak to you now on a subject of great importance to Americans, and I ask you to listen to what I have to say. Many years ago, a few Americans, came to your country; you received them gladly, and told them you wished them to stay with you and instruct you; they did so at your request; among these was Dr. Whitman and his lady. Many Americans have since that time passed through your country to join their brethren in the Willamette. At first they were permitted to pass without being molested. After a while some of your neighbors, without your knowledge, would steal from the Americans as they passed along. Soon they began to steal large things, and last summer much was stolen, very much. We did not want to be enemies to you, and our warriors were not sent up. If you will enquire into these things, you will find that they are as I tell you. We have borne a great deal, we believed that your chiefs did not know how much was stolen from the Americans, but we think your power ought to be exerted to prevent stealing altogether. But all this was nothing compared with what has since been done.

On the 27th of last November, the Cayuse Indians bathed their hands in the blood of their best friend, and in the blood of many of our brothers. Dr. Whitman had at your request remained among you. He has ever since been trying to do you good by teaching you many useful things, and above all, we know that he was teaching you to understand the Bible, the great Book that our Creator has given us, by which we may understand the way in which he wishes all his creatures to live, that we may be happy in this world, and be happy after death. Dr. Whitman labored with you for a long time, what he told you was true, and had you listened to him, and all your neighbors listened to him, Dr. Whitman and our brothers would not have been killed, because one of the great commandments of our great Creator is "Thou shalt not kill;" another one is, "Thou shalt not steal." I hear that you say "Dr. Whitman was poisoning us;" you know better, sickness is sent by our Creator, it is in the world, and he has said all men must die, we cannot escape. Did you not see the Americans die with the same disease? Have not a great many of our people been buried this year? But if it was believed by our neighbors that Dr. Whitman poisoned them, why kill all Americans? But I tell you Dr. Whitman did not poison any one, he was giving medicine and advice to try to save you from dying; how many times has he healed your sick, that would have died, had he not given them medicine? He was your best friend, your great friend. He was always speaking of you and trying to do you good. But he is dead; his wife is dead; our brethren are dead. How did they die? How did he die? The men that asked him to stay among them, that had partaken of his hospitality, that have been the subjects of his kindness, stole upon him and murdered him. Our hearts bled when we heard of it. We cannot pass this by. We hope you sympathize with us, that your hearts say we will not protect such men.

Brothers, our warriors are on the war path, what shall be done, that we may all again be friends, and not enemies? I will tell you what we want, listen to me. We want the men that murdered our brother Dr. Whitman, and his wife, and the rest of our brothers; Tiloquoit, Tamsukie, and all that were engaged, and those that forced our young women to become their wives. We want all these to be given up to us, that they may be punished according to our law. And further, that restitution of the property stolen and destroyed be made, either by returning the property or giving an equivalent. If this is done, our hatchet will be buried, and the Indians and Americans will be friends and brothers. Every tribe that unites with the murderers and protects them, we must look on as our enemies. On the other hand, every tribe that does not unite with and protect them, we shall look upon as our friends, and protect them if necessary. My brothers, consider this well. The Americans are a great people; a few, very few, have come to this country. Our Great Chief has always been told that the Indians in this country were all friendly; he has not sent any of his war chiefs here. We have now sent word to him, that our people have been killed, his war chiefs will come, and should you prefer war to peace, let me tell you, and listen to what I say, they will punish you until you shall be fully satisfied with war, and be glad to make peace. Consider this well, if your young men speak for war. My advice to you as a friend is, that you deliver up the murderers, or let the Americans go and take them, without your interfering with them. In this case do not let the murderers shelter among you, lest your people should get killed through mistake, for which I would be very sorry.

I have sent this news to California, and very soon one or more ships of war will be here, but if you are determined to be friendly with the Americans, this need not alarm you; Americans never injure their friends. We know our Great Chief wishes the Americans and Indians to be as brothers. We wish to be so. Will you let us be as brothers, or will you throw us away. I could talk a great deal, but will say no more at this time. The three chiefs that I have sent up to meet you and talk to you, will tell you what is wanted, whatever they say to you, you can believe. In testimony that this is my writing, I sign my name, this second day of February, 1848. GEO. ABERNETHY.

Gov. of Oregon Territory."

Speech of Camash-pello—Cayuse War Chief.

"My people seem to have two hearts. I have but one. My heart is as the Nez Perces. I have had nothing to do with the murderers. Tamsuckie came to me to get my consent to the murder, before it was committed. I refused. I pointed to my sick child, and told him my heart was there, and not on murder. He went back and told his friends he had obtained my consent—it was false. I did not give my consent to the murder, neither will I protect or defend the murderers."

Speech of Joseph:—Nez Perce Chief.

Who was the principal chief during the absence of Ellis, who with many of his warriors, was absent in the buffalo country on their annual hunt.

"Now I show my heart. When I left my home I showed my heart. I took the book (a Testament) in my hand and brought it with me—it is my *light*. I heard the Americans were coming to kill me. Still I held my book before me and came on. I am here. I have heard the words of your chief. I speak for all the Cayuses present, and all my people. I do not wish my children engaged in this war, although my brother is wounded. You speak of the murderers. I shall not meddle with them. I bow my head.

Speech of Jacob.—Nez Perce Chief.

"It is the law of this country, that the murderer shall die. This law I keep in my heart, because I believe it is the law of God—the first law. I started to see the Americans, and when on the way, I heard the Americans were coming to kill all the Indians—still I came. I have heard your speech and am thankful. When I left home, I believed the Americans were coming for the murderers only. I thank the Governor for his good talk.

Speech of James.—Nez Perce Chief.

"I have heard your words and my heart is glad. When I first heard of this murder, our white brother Spalding was down here. I heard the Cayuses had killed him also, and my heart was very sad. A few days after, when he returned, I met him as one arisen from the dead. We spoke together. He said he would go to Willamette. I told him to tell the chiefs there, my heart. We have been listening for some word from them. All these chiefs are of one heart."

Speech of Red Wolf.—Nez Perce Chief.

"You speak of Dr. Whitman's body. When I heard of the Doctor's death, I came and called for the murderers. I wished to know if it was the work of the chiefs. I went to Tawhatoe's and found it was not of all, but of the young men. I did not sleep. I went to Mr. Spalding and told him the chiefs were engaged in it. Mr. Spalding said I go to Willamette, and will say the Nez Perces have saved my life, and I go to Willamette and to save yours. We have been listening to hear from the white chiefs."

Speech of Timothy.—Nez Perce Chief.

(This man repeated each sentence as spoken by the Indians; hence, probably the language: "I am as one in the air.") "You hear these chiefs, they speak for all. I am as one in the air. I do not meddle with these things. The chiefs speak. We are all of their mind."

Speech of Richard.—Nez Perce Chief.

"I feel thankful for the kind words of your chief. My people will take no part in this matter. Our hearts cling to that which is good. We do not shed blood. This is the way our old chief (Cut Nose), talked. His last word were: 'My children, I leave you—love that which is good—be always on the side of right, and you will prosper.' His children remember his words. He told us, 'take no bad advice.' Why should I take bad words from your enemies, and throw your good words away? Your chief's words are good. I thank him for them. My chief in the buffalo country, will be glad to hear I talked thus to you. He would be sorry should I talk otherwise. This much I tell you of the hearts of my people."

Speech of Kentuck.—Nez Perce Chief.

"The chiefs have all spoken; I have listened, and now I wish to speak a little. I have been much with the Americans and French—they know my heart. Can anyone tell anything bad of me? In war with the Blackfeet, I and my father fought with the Americans, and my father was killed there—he (pointing to Mr. Newell), knows it. Since then I have loved the whites. Last year I was in California, at Captain Sutter's, and helped Captain Fremont—not for pay, but from a good heart. I came home and heard the Doctor was killed! We heard that the whites were told we were with the Cayuses. We have not such hearts. I and my people are from the farthest part of our country. We had heard there, that you were coming to kill off the last Indian west of the mountains. We have never shed the blood of the Americans. We are glad to hear that you want none but the murderers."

Remarks of J. Palmer, Superintendent of Indian Affairs, to Peo-Peo-mox-mox, the Walla Walla Chief and his people.[1]

CHIEF. We are glad to see you, and have an opportunity to talk with you. We have been sent here by the American people to find out who murdered Doctor

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[1] It is not exactly clear why Gen. Palmer should first address Peo-peo-mox-mox, without it was that he was there by special invitation and closely connected to Camash-pelloo, the Cayuse war chief. Peo-peo-mox-mox was to be feared as he was a powerful chief.

Whitman, his wife, and the other Americans at Waiilatpu, and ask that justice be done. We are glad to hear that you had no hand in the matter, and that you would not unite with the Cayuses. We believe this report, for we heard a long way off by Lieut. Fremont, that you and your people had fought with the Americans in California, that you acted bravely, and that your hearts were good toward the Americans. Your conduct since the massacre convinces us that we judged rightly. We now consider you a great, good chief—your conduct places you far above those around you. These things have been written down, and sent to our Great Chief, that all may know it. You are now getting old, why should you embroil yourself and people in a war with the Americans? You will not do it—you will listen to good counsel. We do not come here to do wrong to the Indians, but to do them good. To separate the innocent from the guilty. Must we allow bad men to murder our brothers, and ill treat our women, and not punish them? All good people say no. The Great Master of life, orders that the guilty be punished. It is our duty to do it. It is the duty of every good man to aid in bringing the guilty to punishment. It is this, that brings us here. You express a desire to be with us in council with the Nez Perces, it is our wish that you should be present. For the present, I have nothing more to say.

Remarks of J. Palmer in Council with the Nez Perces, Walla Wallas, and friendly Cayuses.

CHIEFS AND FRIENDS. We are glad to see and hold a talk with you. We now believe that we shall reason like men, and that all the difficulties that exist between the whites and the Indians of this country can be settled without further fighting. With the Nez Perces we are and always have been at peace. I am glad to say we have not seen cause of war, and in this council I hope we shall strengthen the bonds which have heretofore existed between us and the Nez Perces and Walla Wallas. But with the Cayuses this cannot be said. The land of the Cayuses has been stained with the blood of our brothers—the Cayuses have done it. What shall be done? The great God orders that the guilty be punished. Is it not our duty to do it. Is it not the duty of all good men, to aid in punishing these murderers? But, we do not wish to injure the innocent. We have been long coming, Mr. Newell, Mr. Lee and myself were sent to see, and talk with the chiefs. But when we reached Wascopam we were told that the road was closed, and that the Cayuses had been down and killed two of our men. That they had hired a great many Indians to join them. That if we came we would be killed. We then waited for our war chief, we came with him. Many met us on the road and made war. We wished peace, and went in advance of our war chief with a flag to hold a talk, but their young men were surrounding us, and made signs of war. We returned to the wagons with sickened hearts, for we could not prevent the fighting. We sent messengers with letters, telling them that we did not come to make war upon the innocent, it was the guilty that were to be punished. They would not listen to our talk, we were grieved. Some of their men were killed, and others wounded; some of our men were wounded, but none killed. Since then we have seen some of these chiefs; we know not whether they will listen to us; but we must punish these murderers, and all those who unite with them, we shall consider as an enemy. The Cayuses have forfeited their lands by making war upon the Americans; but we do not want these lands, but we wish to open the road for Americans to travel, as they have done before; and if the Cayuses continue to make war upon us, we shall be compelled to drive them from their lands. We shall build a fort and station a number of men at Waiilatpu.

Our war chief will hunt these murderers as you hunt the deer, until he drives them from the face of the earth. It is no credit to be associated with murderers. Suppose you all were to unite with the Cayuses and kill us off; we are but a handful. Others would come with both hands full and wipe you out. We have not two hearts, nor a forked tongue, we speak the truth. The Americans are many, and if the Cayuses were wise, they would listen to us, cease fighting and surrender the guilty. They must also return the property belonging to the mission and to individuals, as well as to Seletza, whom they have robbed, and in every case where the property has been destroyed, or injured, an equivalent must be given; when this is done, we will talk of peace with them. We have submitted to many wrongs whilst traveling to our country, the Willamette. We did not go to war with them, because our chief had told our people not to interrupt the Indians. We are slow to get angry, but when we begin war, we never quit until we conquer. These robbers must pay for the wrongs they have done our people; they need not expect to escape. Our war chief has a good heart, he wishes the Indians well, but will punish the bad. We have sent word to our Great Chief of what has been done; we soon expect great ships.

Three years ago, when I was here, I saw many of these people; when I went home I wrote a book; I sent it among our people. I spoke of these people, told them how well you all behaved. That the Nez Perces, Walla Wallas, and Cayuses, were all good people, that you listened to good advice. O, how I was astonished when I heard what had been done! I did not believe it, but I see that it is so. I have lied, for I said your people were all good—it is not so, I am ashamed of what I said, but I am glad there are some good people, I esteem you. We must judge your hearts by your acts. I am told the Cayuses say, that Dr. Whitman was poisoning them. They know better, is it not the fate of all to die; do not the Americans die as well as the Indians? Do they charge the other Americans with poisoning them? No, why did they kill them? Because their hearts were bad, they listened to bad counsel. When men's hearts get bad, they are ready to give and take bad counsel. I learn they say they had ordered Dr. Whitman away. Did the chiefs do it in counsel, or did a few bad men wish to drive him off, so that they might get his property, and ill treat our women. If our people do a bad act, we punish them. If my brother commit murder, he is hanged by the neck until he is dead. We are sorry to do it, but the peace and safety of our people demand it. Our great God of heaven commands it and it must be done. Was not Dr. Whitman doing them all the good he could, were the whites injuring them. How is it, who enabled them to be thus comfortably clothed. How came they to have cows, and cattle for beef, wheat, corn, peas, and potatoes for food; why are all these fields that we see along the streams; for whose benefit are they. Is the Indian's condition so much better than that of the whites that they wish to throw away our counsel. But I hope they will see their errors, will get good hearts and do well hereafter. When chiefs do wrong, what must we expect of the people? But we will not acknowledge these murderers as chiefs; none but good men should be chiefs. The chiefs should govern their people.

Mr. Newell's Remarks to the Nez Perces in Council at Waiilatpu, March 7, 1848.

BROTHERS. I have a few words to say, call together all your men, old and young, women and children. This day I am glad to see you here, we have come to talk with you, and to tell you the duty we owe to our God and all good people. I have not come here to make peace with you, we never have been at war, but always friendly. This I know, this all our people know. I have fought with the Nez Perces, some of them I see here, but we were on the same side; we have lost friends on the same day and at the same battle together But we did not lose those friends in trying to kill innocent people, but by trying to save our own lives. This I have told our people, our people believe it. I have told them you are honest and good people, they believed it. Your hands are not red with blood. I am glad, my children are glad. And now brothers hear me, never go to war with the Americans, if you do, it will be your own fault and you are done. I have come here to see you, the Nez Perces and other good people, no one else. I am not here to fight, but to separate the good from the bad, and to tell you that it is your duty to help make this ground clean. Thank God you have not helped to make it bloody. I was glad to hear the Nez Perces had no hand in killing Dr. Whitman, his wife and others. What have the Cayuses made, what have they lost! Everything, nothing left but a name. All the property they have taken, in a short time will be gone, only one thing left, that is a name, "the bloody Cayuses." They never will lose that, only in this way, obey the great God and keep his laws. And my friends this must be done, if you will obey God and do what is right, we must. This is what our war chief has come for. What is our duty to the great God? This is his law. He who kills man, by man shall his blood be spilt. This is his law. This is what God says, and he must be obeyed, or we have no peace in the land. There are good people enough here among the murderers to have peace again in the land should they try. In a few days we could go about here as we have done, all friendly, all happy. Will you hear, or will you not. You have heard that we have come here to fight all the Indians, it is not so. The evil spirit has put bad words in the mouths of those murderers and they have told you lies.

My friends, one thing more let me tell you; we have come here because it was our duty. We are sorry to have to come, but the laws of God have been broken on this ground, look at these walls, see how black they are, look at that large grave; He is angry with those people who broke His laws, and spilt innocent blood. How can we have peace. This way my friends and no other. All join together, and with good hearts try to get those murderers and do by them as the great God commands, and by so doing, this land will be purified, and in no other way will we have peace. I am sorry to see people fight like dogs. People who love to kill and murder: they are bad people. We have come here to get those murderers, if good men puts themselves before those bad people, they are just as if they had helped to murder, and we will hold them as such. The most of the Cayuses have gone off, but a few are here, they have left their farms. Why is this, what have they done? Because some of their people have been foolish, all should not turn fools and be wicked. I am sorry, very sorry to see it so. What will they do if they fight us, and fight against our God, and break our laws. I will tell you, they will become poor, no place will they find to hide their heads, no place on this earth nor a place in heaven, but down to hell should they go if God's words are true. I hope you will be advised and take good council before it is too late.

Our war chief has waited a long time for the Cayuses to do what is right, he will wait no longer, and when he begins to fight, I do not know when he will stop. His heart is sore for Dr. Whitman and his wife, that have been slaves to these people, who done all they could to teach them how to work, and how to do all good things, that they might live like the whites and be Christians, but they have joined the evil one and become bad; they have murdered, they must not escape. My friends I am not angry, I am sorry. The other day over yonder where we fought the Cayuses, we saw people coming, I went with a flag, I had no gun, made signs of peace, waved the flag for them not to shoot, but stop and talk, but they would not. I went back sorry, I knew there were some people there who had done us no harm; but those bad people told them lies, and gave them horses to fight us. Bought them like slaves to fight. I knew they came blind, they knew not what they were doing; I wanted to tell them what we had come for but could not. I have done my duty. God knows my heart. If I do wrong, then the great God will punish me, and now I tell you the same as if you were my own children. Do not join with those murderers, nor let them come in your country, or in your lodges, or eat with them; but try and bring them to justice.

My friends, I have no more to say to you now. I have come a long way to see you and talk with you, will you throw my words away? I hope not, I beg you to hear my words and be wise. I have brought this flag for the Nez Percés; take it, I hope you will keep clear of blood. Let the Nez Perces assemble and settle among yourselves who will keep the flag. Ellis is not here, and many other chiefs are gone to the buffalo country that I am acquainted with. Mr. Craig will tell you that we are your friends; he loves you; so do we all like him; he has told us many good things of you.

After which Messrs. Lee, Gilliam and McKay, all spoke, corroborating in substance what the first two had said. A social conversation then ensued, after which the Superintendent of Indian Affairs told them that Mr. Craig would remain with them for the present, as his agent, and would assist and instruct them in their efforts at agriculture. That as soon as the present difficulty was settled, he would send them a blacksmith, and if they wished it, a school teacher; that after this no other white man should settle upon their lands without their consent. But that those already settled and having families amongst them must be respected both in person and property—and others should be allowed to travel peacefully through their country for the purpose of trade, &c., and they should have the same privilege to travel through our settlements. That if any difficulty occurred between them and the whites, they should make it known to him through Mr. Craig, or otherwise, and he would have it fairly adjusted between them. To all of which they gave a sanction. Mr. Newell then presented them a large American flag, as a national present, and requested them to preserve it as such—and to hoist it on all national occasions, which they received with evident good will. We also gave them some tobacco to smoke in friendship to the Americans, and we are happy to say the whole affair went off highly satisfactory to all parties. In the evening the Nez Perces gave us a *war dance*, which amused and delighted us much; and we do them but bare justice when we say the performance was well timed, the parts well acted, characters represented to the very life, and the whole *first rate*. We felt gratified with our success in our efforts to prevent a general war with the Indians, in saving the Nez Perces which had been a matter of much anxiety with us; in breaking the ranks of the enemy by calling off their allies; and especially in separating the innocent from the guilty.

On our return, we fell in with Yellow Serpent, who accompanied us to Walla Walla and there spent the evening with us in friendly conversation. He told us that the Walla Walla Indians who had been with the Cayuses, had left them, as most of their other allies had done. We inquired for the Indian who befriended Mr. Osborne and his family and found that he was a brother-in-law to Mr. McBean's interpreter. We expressed our appreciation of such praiseworthy conduct, and our wish to reward him. He was not present however, and the manifestation of our sincerity remains yet to be made, which it is hoped will not be neglected. It was a matter of much regret to us, that neither the Superintendent, nor the Commissioners were able to compensate such and similar services, in a manner becoming *Americans*. The boy whom Seletza sent on his own horse from Wascopam to our camp at the Springs, with dispatches to us, performed that trip of more than 100 miles through a hostile country, entirely alone, and in about twelve hours. A feat that perhaps few men in our regiment would have undertaken. We repeat our regret at not having the means to make them sensible of the estimate we place upon such service. In the absence of any appropriation made by law for the pay of contingent expenses in this department, we could only make them such presents as our private resources would allow.

On our return to Wascopam, we were truly delighted to find our old friend Sue, with his village, quietly encamped near the fort, with the STARS AND STRIPES (a present from us) proudly, but peacefully waving over their matted tents. We held a council with these and the Wasco Indians, confirming the friendly relations which had already sprung up between us and them, and enforcing upon the chiefs the duty of commanding their people, and upon the people that of obedience to their chiefs. Telling them that hereafter, we should hold the chiefs responsible for the conduct of their people towards the whites. But if any would not obey, the chiefs should report them to the Superintendent, who would excuse the chiefs and punish the individual. To this, both the chiefs and people gave their assent. Sue reported Walluptuleekt as having started to join the Cayuses with the property belonging to the late emigrants. But for some cause, had turned up towards the head of John Day's river where he is still encamped. Sue thinks Walluptuleekt would be glad to make friends, but is afraid to come to us thinking he has done so bad that we would kill him. We again sent him word to come, saying we never injured any one whom we invited to come to see us, but always regarded such an invitation as a sacred pledge of protection—for the time at least. We fear however, that he having disposed of much of the property in such a way that he cannot now reclaim it, will by that means be debarred from coming; and as one of his brothers was killed in the battle with the Cayuses, it is probable he will ultimately join them.

In conclusion, allow us to say that, we believe the war party of the Cayuses are now so reduced in numbers that they are not likely to risk another engagement in the field with the regiment, at least for the present. Sticas, Camash-pelloo, and Tin-tin-mate-sah (Cayuses) have left the murderers, and were friendly. Young Chief had also left them, but would not come to see us. He had gone to the mountains with his own lodge only. The last account we had of the war party, they were retreating towards Snake river. The accompanying extract of a letter written in camp on the 12th inst., will give you the latest intelligence we have of them:

CAMP ON TOUCHIE, March 12, 1848.

DEAR SIR. We made about ten miles the first day and encamped at 1 o'clock. Soon afterwards three Indians came in with a flag, leading two horses, one of which proved to be the American horse they had stolen from me on Umatilla. They said Sticas got Joe Lewis and the Doctor's property, but in attempting to bring them to us, was overpowered by hostile Indians and Lewis rescued. Sticas was, they said going to await our arrival on this creek with the Doctor's stock and other property. We marched about ten miles to-day and found Sticas on this creek with forty or fifty head of the Doctor's cattle, about the same number of sheep, a few horses, $56 in money, and about $200 worth of other property, principally clothing. He reports the Indians to have left this morning for the Tucanon. The Colonel proposes to send the cannon back in the morning and follow them. The Tucanon is about thirty miles north of the Touchie, and about fifty miles north of Waiilatpu the place of the massacre. J. MAGONE.

Finally we beg leave to say that, although we apprehend more immediate danger of mischief along our frontier settlements, than on the present field of action, yet we would recommend that forces be stationed at Waiilatpu and Wascopam, sufficient not only to command respect from the friendly, but also to keep in awe the hostile party of Indians around those two points.

Your humble and ob't sv'ts.

JOEL PALMER,
Supt. Ind. Affr's O. T.
ROBERT NEWELL,
H. A. G. LEE,
Commissioners.

To His Excellency,
GEORGE ABERNETHY,
Governor, Oregon Territory.

The following is a copy of the treaty of peace between the Americans and Nez Perces by the Commissioners, Messrs. Palmer, Lee, and Newell, which I found in the State Department. It was not signed, but it is in Mr. Lee's hand writing and dated Waiilatpu; and I present it as it is, although not mentioned in the report:

ARTICLE I.

SECTION 1. The object of this treaty is to preserve, perpetuate and more fully establish the relations of peace and friendship which have heretofore existed between the two parties. In order to do which it is agreed.

1st. That the Nez Perces shall give no aid or assistance to the Cayuses in the present or any future war with the Americans. That they shall not allow any of the Cayuses who were engaged in the outrages at Waiilatpu, to flee into and remain within their territory in order to escape proper punishment; and that they will, so far as they can without bloodshed, assist the whites in punishing the guilty and saving the innocent.

2d. That they will respect the persons and property of the whites who are now within their territory, and such others as shall be sent by the Superintendent of Indian Affairs to live amongst them, for the purpose of instructing them in literature, mechanical arts, agriculture, etc., but no other white men shall be permitted to intrude upon their lands without their consent.

ARTICLE II.

SECTION 1. It is agreed on the part of the whites:

1st. That they shall not make war upon the Nez Perces, nor in any way molest or disturb them so long as they (the Nez Perces) shall keep in good faith this treaty. But on the contrary, the Superintendent of Indian affairs shall see that they are respected in their persons and property by the whites, both in their own territory and in the settlements of the whites, whenever they shall visit them for trade. He shall hear their complaints, etc. It is agreed on the part of the whites that they will not make war upon the Nez Perces, but will respect them as friends, respecting their persons and property in all places so long as the Nez Perces keep in good faith this treaty. That the whites shall not be allowed to intrude upon their rights by settling upon their lands without their consent; but it shall be the privilege of the whites to pass through the Nez Perces country at pleasure while they conduct themselves properly. And it is agreed that the Nez Perces shall have the like privilege of passing through the settlements of the whites, for the purpose of trade, without interruption.

Finally it is agreed that the Americans and Nez Perces will be friends and brothers under all circumstances and in all places. This treaty shall be in full force until superseded by the government of the United States.

Waillatpu, the 7th day of March, A. D., 1848.

WAIILATPU, April 4, 1848.

To His Excellency, Gov. Abernethy:

SIR. Since Col. Gilliam went from this place, our relations with the supposed friendly Indians have undergone a material change. Not seeing any either friendly or hostile for several days, I concluded to send an express to Fort Walla Walla, and if possible, to gain some information concerning their movements, as I had reason to believe from their long silence there, there was something wrong. I accordingly addressed a short note to Mr. McBean, on the evening of April 1st, and dispatched two of my men with the same, charging them strictly to remain there during the day, and return as they went, in the night. They returned yesterday in safety, and their narration, together with Mr. McBean's written statements fully confirms me in my previous views. The Walla Walla chief, notwithstanding his professed friendship to Col. Gilliam and the Bostons, now look upon us as enemies. The law prohibiting the sale of ammunition appears to be the principal hobby. By refusing it to him and his people, he says we place him on an equal footing with the guilty; and if this law is not abrogated, they (the Walla Wallas) will become murderers. This sentiment, he expressed in the presence of our express bearers. There are about sixty lodges within a quarter of a mile of the fort, where there was not one when we came up; and they are said to contain between 200 and 300 warriors. Mr. McBean says he has learned that Tam-sukie is in the Grand Ronde; Teloquoit is in the direction of Mr. Spalding's mission, and his sons reported to have left for Fort Hall with Joe Lewis. Sticus and his band are still in the mountains. Ellis and sixty of his men have died in the mountains with the measles, and this has produced its effect upon many of our superstitious friends. The Cayuses and Nez Perces, have had a big feast, which to my mind speaks in language not to be misunderstood. Mr. McBean further states the Palouse Indians, Cayuses, and a portion of the Nez Perces, are awaiting the American forces to fight them at the Nez Perces or Snake river. But the signs of the times justify the conclusion that we will be attacked much nearer home and much to our disadvantage, unless soon supplied with ammunition. They know our circumstances about as well as we do ourselves, both as regards to ammunition and provisions, and it need not be thought strange if they act accordingly.

Walluptuleekt is at the fort, and has brought quite an amount of emigrant's property with him, which he delivered up to Mr. McBean. He says he was afraid Col. Gilliam would kill him, which was the reason of his not meeting him; this is the report of our men. Mr. McBean did not mention his name. My opinion is, that we have nothing to hope from his friendship. I see, by Gen. Palmer's letter to Col. Gilliam that he refused to accept the American flag, which was presented by his own Indians, he of course had nothing to fear from *them*. I have now given you the outline of our unpleasant situation, and doubt not that you will make every gexertion to forward us ammunition, and men too of the right stripe. I have exaggerated nothing, nor has my active cautiousness prompted me to address you upon this subject. If they do come upon us, be their numbers what they may, rest assured, while there is one bullet left, they will be taught to believe, and that to a demonstration, that the Bostons are not all *cluchemen* (women.) I have succeeded in getting the mill to work, and we are now grinding up the little grain we found.

Mr. Taylor died on March 24th. The wounded are well, but I regret to say our surgeon talks strongly of leaving us the first opportunity.

Your obedient servant, JAMES WATERS,
Lt. Col.

FORT WASCOPAM, April 7, 1848.

Gen. A. L. Lovejoy:

SIR. I received your letter of instructions, by express on 3d inst., and I assure you it gave me great satisfaction to make them known to the troops under my command. The promotion of Maj. Lee to the command, the boys have taken fresh courage, though some of them can hardly hide their nakedness, and are willing under your promises to stick it out like men. Give us 500 men and plenty of ammunition, with Col. Lee at our head, and I think we will soon bring the war to an honorable close.

The Yakima chiefs came over to see us a few days ago, and stated that they had written to the white chief, but had received no answer; therefore, they had come over to see him. They spoke as follows: "We do not want to fight the Americans, nor the French; neither do the Spokanes, a neighboring tribe to us. Last fall, the Cayuses told us that they were about to kill the whites at Dr. Whitman's. We told them that was wrong, which made them mad at us; and when they killed them, they came to us and wished us to fight the whites which we refused. We love the whites, but they say, if you do not help us to fight the whites when we have killed them, we will come and kill you. This made us cry, but we told them we would not fight, but if they desire to kill us they might. We should feel happy to know that we die innocently."

I answered them as follows: "We are glad that you have come, because we like to see friends, and do not like to make war on innocent people. The Great Spirit we love, has taught us that it is wrong to shed innocent blood. Therefore we wish everybody to be our friends. Our peace men long ago sent you word, that we did not come to make war on any but those murderers, who shed the blood of our countrymen, and insulted our women. When we get those wicked men we will go home, but those we will have, if not now, we will fight until we do get them. We do not want to kill any but the murderers; but all who fight with them we consider as bad as they are. All tribes which receive them we must make war upon, because their hearts are bad, and we know that the Great Spirit is angry with them. We hope your nation will not receive them. We hope that you will not let your young men join them, because we do not wish to kill innocent people. We hope that if the murderers come among you, you will bring them to us. Then the great Spirit will not be angry with us. We that fight, do not care how many bad people we have to fight. The Americans and Hudson's Bay Company people are the same as one, and you will get no more ammunition until the war is at a close." I gave them a plow[1] as a national gift; and told them that I gave that kind of a present because we thought tilling the ground would make them happy. They remained with us a day and a night, and then left for their country with an assurance of friendship.

The ammunition boat arrived here this evening, and I shall start tomorrow for Waiilatpu, with nine provision and baggage wagons, and about 100 men to guard them, leaving McKay's company to guard the place until Col. Lee's arrival here. The scanty supply of ammunition sent us is almost disheartening. If the rumor that the Indians brought us this evening be true, I fear we will have to shoot the most of it at the Indians before we can reach the boys. The Indians reported here this evening that the horse guard at Waiilatpu had been killed by the Indians[1] and all the horses run off. I shall lose no time I assure you, but will relieve them with all possible speed. Your obedient servant. H. J. G. MAXON,

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[1] Considerable sport was made in regard to this gift of a plow, as the Indians had no manner of use for it. The real object of these Yakima Indians was to have the law prohibiting the supplying of Indians with ammunition abrogated in their favor, as they were at peace and had not affiliated with the hostile Cayuses.

Senior Captain.

The following letter was written by Jesse Cadwallader to a friend in the Willamette valley, dated Fort Waters, April 4, 1848. It will be noticed that Col. Waters command had not heard of the death of Col. Gilliam:

"At present, we are not in a very pleasant fix for fighting, as we are but 150 in number, and nearly out of ammunition. Col. Gilliam with the rest of the men left here on the 20th ult., for The Dalles for supplies. We look for them in a few days and hope to see more men with him. We look for the Indians to come on us every day. They say they will give us one more fight and drive us from the country. We expect they will number 1,200. The Cayuses, Nez Perces, Walla Wallas, Spokanes and Palouses, will join and fight us, and you may expect a call for more men in a short time. We are preparing for an attack. We are killing beef and drying it to-day. I think we can defend this post—we shall do so or die in the attempt. We cannot complain of our living so far; we have plenty of beef and bread, nearly all the time. We have found several caches of wheat, peas, and potatoes. We have about thirty bushels of wheat on hand, and the mill fitted up for grinding. I wish you would see to my claim on Clear Creek, for I expect to return when this war is over and occupy it with some man's girl as a companion."

Meetings were held at several places in the Willamette valley by the ladies, as the result of Captain Maxon's appeal. We publish two; one held at Oregon City, and the other we think near Salem. They speak for themselves.

"At a meeting of the ladies of Oregon City and vicinity, at the Methodist church on the 12th inst., pursuant to previous notice, to consult upon the best means to aid in relieving the necessities of the soldiers. The meeting was called to order by Mrs. Hood, when Mrs. Thornton was called to the chair, and Mrs. Thurston appointed secretary. Mrs. Thornton briefly stated the object of the meeting, when on motion, it was resolved to form a society, the object of which should be to aid and assist in supporting the war. On motion, the meeting proceeded to elect officers, which resulted in the election of Mrs. Thornton, president; Mrs. Robb, vice president; Mrs. Leslie, treasurer; and Mrs. Thurston, secretary. On motion, it was voted to appoint a committee of three, whose duty it should be to assist the society in raising funds, &c. The president appointed Mrs. Hood, Mrs. Crawford, and Mrs. Hirford, said committee. Mrs. Robb then introduced the following address as expressive of the sense of the meeting, to be forwarded to the army with the clothing raised by the ladies, which on being read, was unanimously adopted:

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[1] This rumor proved to be untrue as were many other Indian reports.

OREGON CITY, April 12, 1848.

The volunteers of the "First Regiment of Oregon Riflemen," will please accept from the ladies of Oregon City and vicinity, the articles herewith forwarded to them. The intelligence which convinces us of your many hardships, excessive fatigues and your chivalrous bearing, also satisfies us of your many wants. These articles are not tendered for your acceptance, as a compensation for your services rendered, or to be rendered. We know that a soldier's heart would spurn with contempt any boon tendered by us with such an object. Accept them as a brother does and may accept a sister's tribute of remembrance. As a token, an evidence that our best wishes have gone to, and will remain with you in your privations, your marches your battles, and your victories. Your fathers and ours, as soldiers have endured privations and sufferings, and poured out their blood as water, to establish undisturbed freedom east of the Rocky mountains. Your and our mothers evinced the purity of their love of country, upon those occasions, by efforts to mitigate the horrors of war, in making and providing clothing for the soldiers. Accept this trifling present as an endorsement of our approval of the justice of the cause in which you have volunteered, and of your bearing in the service of our common country, as manly, brave, and patriotic. The war which you have generously volunteered to wage, was challenged by acts the most ungrateful, bloody, barbarous, and brutal. Perhaps, the kindness which the natives have received, at the hands of American citizens on their way hither, has, to some extent, induced a belief on the part of the natives that all the Americans are "women," and dare not resent any outrage, however shameful, bloody or wicked. Your unflinching bravery has struck this foolish error from the minds of your enemies, and impressed them with terror, and it is for you and a brotherhood who will join you to follow up the victories so gloriously commenced, until a succession of victories shall compel an honorable peace, and ensure respect for the American arms and name.

We have not forgotten that the soul-sickening massacre and enormities at Waiilatpu were committed in part upon our sex. We know that your hardships and privations are great. But may we not hope, that through you these wrongs shall not only be amply avenged, but also that you inscribe upon the hearts of our savage enemies, a conviction never to be erased, that the virtue and lives of American women will be protected, defended and avenged by American men. The cause which you have espoused is a holy cause. We believe that the god of battles will so direct the destinies of this infant settlement, that she will come out of this contest clothed in honor, and her brave volunteers covered with glory. The widows and orphans, made so by the massacre which called you to the field, unite with us in the bestowment of praise for the valuable services already rendered by you; and He who has already proclaimed himself the widow's God, Judge and Husband, and a Father to the fatherless, will smile upon and aid your exertions. Fight on then, fight as you have fought, and a glorious victory awaits you.

On motion, a vote of thanks was tendered Mrs. Hood for her unwearied exertions in behalf of the suffering soldiers.

MRS. E. T. THURSTON,
Secretary.

MRS. N. M. THORNTON,
President.

WILLAMETTE VALLEY, OREGON TERRITORY.

Response by Young Ladies, to the call of Capt. Maxon, for the Young Men in the Army.

We have read with much interest the late report from the army, and feel ourselves under obligation to reply to the appeal made to us in that report. We are asked to "evince our influence for our country's good, by withholding our hands from any young man, who refuses to turn out in defense of our honor and our country's rights." In reply, we hereby, one and all, of our own free will, solemnly pledge ourselves to comply with that request, and to evince, on all suitable occasions, our detestation and contempt for any and all young men who *can* but *will not* take up arms and march at once to the seat of war, to punish the Indians who have not only murdered our friends, but have grossly insulted our sex. We never can, and never will bestow our confidence upon a man who has neither patriotism, nor courage enough to defend his country and the girls, such a one would never have a sufficient sense of obligation to defend and protect his WIFE. Do not be uneasy about your claims, and your rights in the valley. While you are defending the rights of your country, she is watching yours. You must not be discouraged, fight on—be brave—obey your officers, and never quit your posts 'till the enemy is conquered, and when you return in triumph to the valley, you shall find us as ready to rejoice with you, as we now are to sympathize with you in your sufferings and dangers.

(Signed by fifteen young ladies.)

When the above proceedings of the meeting held at Oregon City, and the address of the young ladies were received at Fort Waters, a meeting was held and complimentary resolutions were passed, but the want of space compels me to forego publishing them.

The following (without date) by Capt. Maxon, explains itself:

Gen. A. L. Lovejoy:

SIR. The following was written for the express, but in the hurry and bustle of business was omitted to be forwarded. To call the men (158) who fought in the Tucanon and Touchie rivers *brave* were but common praise. Officers and privates fought with unequaled bravery and skill. Captains Hall, Owens and Thompson, behaved with all that deliberate judgment and determined bravery, that was requisite to so hard fought, and long contested a battle. The incomparable services of Sergeant-Major Burch, Quartermaster Goodhue, Judge Advocate, Rinearson; Quartermaster-Sergeant, Cook, and Paymaster, Magone, cannot be passed unnoticed, and deserve their country's praises, Captains English and McKay were not in the engagement. The latter being sick, the former returning from the Touchie with the wagons and stock.

H. J. G. MAXON,

While the barque *Anita* was lying in the Columbia river near the mouth of the Willamette, Gov. Abernethy sent Gen. Palmer with the following letter:

OREGON CITY, April 11, 1848.

DEAR SIR. Gen. Palmer intends leaving this morning for the *Anita* to purchase a few blankets. We have but little money. We need clothing and blankets very much. The men in the field are very destitute. I am certain you will let him have them as low as you can. If you could by any possible way give a small portion of the U. S. property under your care to this Territory in the present distressed case, it would be gratefully received. Mr. McKinley said to a gentleman yesterday: "You ask for clothing from us; here is one of your own vessels with just the things you want; why don't they help you?" You mentioned in conversation, that perhaps you might be sent up to muster our troops into the U. S. service to serve in Oregon. If this can be done, use your influence with Gov. Mason to effect it. If we should be able to withdraw the most of them, we must still garrison the posts, and protect the emigration as far as possible.

I am yours, &c. GEO. ABERNETHY,
Gov. of Oregon.

Maj. J. A. Hardie,
U. S. Army.

It may seem strange to some that Maj. Hardie could not issue to the needy American citizens the camp and garrison equipage that the volunteers so much needed, but the red tape system entirely prohibited him as the following will show .

Barque Anita, April 12, 1848.

Dear Sir. I have received by Gen. Palmer your favor of the 11th inst., and take advantage of Gen. Palmer's return to Oregon City, to send you a line in answer. I have no clothing of any kind on board the vessel ; and what camp equipage I have on board, belongs to the United States Quartermaster Department, and cannot be *sold*. I could not find myself authorized to *issue* camp and garrison equipage to the Territory, though I should be glad to afford any assistance to the war in my power. Had I powder and lead or other ordinance stores, and the danger to the Territory was imminent without such stores for immediate use, I should not hesitate to take the responsibility of issuing them upon your requisition. I brought with me for the use of the men to be enlisted, 245 pairs blankets to be delivered to them at government prices. They were put on board the barque at the sole risk and responsibility of Mr. Edward Cunningham, a supercargo and merchant on the coast of California, but at my request, it being my impression that blankets were very high in Oregon and that if a volunteer (receiving an advance of $21 to equip himself,) could purchase blankets at government prices instead of the high rates of the country, it would be of great assistance to him, and he would come into the service better equipped than under other circumstances. Getting no volunteers, I have sold for Mr. Cunningham (to people who would come on board to purchase) a few pairs at the same price as for volunteers. I imagine this is the cause of the impression which appears to exist abroad, that government is selling or disposing of its stores, clothing, etc.

Did these blankets belong to government, I should be risking my commission did I sell a blanket, except it be under instructions to that effect. Gen. Palmer can explain the circumstances to you fully. I have sold to him a few pairs of blankets at lower prices than the invoice which Mr. Cunningham gave me warrants, and would gladly do more to forward the interests of the Territory were I at liberty. I shall proceed immediately to Monterey to represent to Col. Mason the state of affairs in Oregon, and feel confident that he will be disposed to send ammunition and arms for the prosecution of your war. I need not say, that I will ask him to send any assistance either in supplies, etc., or in officers and men, that can be spared in California, or that he may feel authorized to send, or that he may have what immediate relief the U. S. Government can furnish on this side of the continent. *Men* cannot, I suppose be expected by you in the rceent state of the war in Mexico or California. Supplies can I think be spared.

I am with great respect,

Jas. A. Hardie

To Gov. Abernethy.

Col. Lee wrote the subjoined to Gov. Abernethy on the eve of his departure for Fort Waters :

PORTLAND, OREGON, April 17, 1848.

Gov. Abernethy.

I thank you for your kindness of the favor just received, and the sentiments of kindness and friendship expressed. I should have been pleased to have seen you again, but we are getting on very well. Our recruits will not exceed 250. Perhaps twenty-five of that number will want horses at The Dalles. Will you order them mounted ? Three companies have been organized, the captains are as follows : 1st, William P. Pugh, Champoeg and Linn counties ; 2d, J. W. Nesmith, Benton, Polk, and Clackamas counties ; Wm. P. Martin, Yamhill and Tuality counties. None of these companies consist of more than seventy men yet, though it is said that some men have gone up by water without enrolling here. You will receive full returns by Gen. Lovejoy. I merely write this for your own satisfaction. I have written for Glenn Burnett to join us and serve as chaplain. He will probably come to the city, and expect to reach me by water from that place. Please assist him if you can, and be assured, I shall do all I can to terminate the war honorably and speedily. Yours in haste. H. A. G. LEE,

Col. 1st. Reg. Ogn. Riflemen.

Capt. L. N. English after his return from east of the mountains did not lose his interest in military affairs, but proceeded to organize companies in Champoeg, now (Marion county), and when four were enlisted, he was elected Colonel of the battalion. He had seen service in the Black Hawk war before he came to this country. The following is his letter to the Governor on the situation :

CHAMPOEG, April 24, 1848.

Governor Abernethy :

I have heard that you have some idea of ordering some men to range in the upper country ; that is to say, in the Umpqua and through that country. I think it would be a good idea, as I have heard that Mr. Simmons has been told that he must leave or he would be killed, and that they had driven off his stock, and that other farmers had left their farms. There were three Molallas stopped at my house last night, and they said that the Klamaths had gone to see some great chief to get him to help fight the Bostons, and if he would help, they would come in at the head of the valley, and commence on the frontier. If you want any men, please let me know, as there are four companies organized in this county, and for want of a better man, have elected me colonel. It is the opinion of a majority of the citizens, that we had better keep a good look out and range the upper country. It is my opinion that you had better order out fifty men to range the upper country, and find themselves. Say fifty men on this side (east), and the same above the Santiam ; and twenty-five on the other side (west,) of the Willamette, and in a short time, we could discover their movements. Please let me know if this meets your approval—how many men—and how long you would want them to stay out. I do not wish to do anything without your approval. Yours truly,

L. N. ENGLISH.

Col. Lee when he arrived at Fort Wascopam, wrote the following in which he indicated the action he afterwards carried out in regard to resigning his commission as colonel in favor of Lt. Col. Waters.

FORT WASCOPAM, May 3, 1848.

Gov. Abernethy:

DEAR SIR. Capt. McKay is ordered to report himself and company to the Adjutant General at his office at Oregon City. This course has been taken in order to save them from the evil consequences to the service under a furlough. It is understood that Capt. McKay is willing to return with the cattle that the Commissary intends sending up, should they wish his company for that service. Should they wish to quit the service, a discharge by proclamation would be better than a furlough. Of this however, you are the judge, as they await your orders.

We leave in a few days for Fort Waters. I have learned nothing special, save that the friendly Indians were living near the forts. One of Capt. Maxon's men was severely hurt by a fall from a horse. I must refer you to Gen. Lovejoy for information as to our camp, etc. I will only say that I am doing the best I can under the circumstances, and will continue to do so until I reach Col. Waters, when I will, as I have all the time intended, lay my commission at his feet and beg to be excused from further *supreme command*. I hope you will avail yourself of every opportunity to communicate any information of interest. Luxillo informs me an Indian named Tullahiouit took a white horse from The Dalles. L., thinks it belonged to some American. Yours truly,

H. A. G. LEE.
Col. 1st. R. O. R.

Rev. Wm. Roberts furnishes the following to the *Spectator* on his return to Oregon City, from a trip up the Willamette valley:

May 4, 1848.

I have just returned from an excursion up the valley. When a few miles this side of Mary's river on Monday last, we were overtaken by a party of eight men, under the direction of Mr. John Saxton, just arrived from California. They were fifteen days from the last settlement on the Sacramento, to the first in this valley, traveling the old California trail. There was no snow on the route. They started with about 100 horses, and were unfortunate enough to have sixty-five taken from them in open daylight by the Rogue River and Klamath Indians, assisted as the company think, by some Molallas from this valley. The Indians were very troublesome, firing on them for one entire day, and using every possible stratagem to intercept, and cut them off at each of the narrow passes along the road. None of the men were injured except Mr. Girtman, who was shot in the thigh by the accidental discharge of his own gun at the crossing of Rogue River. With some difficulty he was brought on to the settlement and left at the first house. It is deeply regretted that the Indians were so successful in getting the horses; they also captured two fine jacks, and the impression of the company, that some of the Molallas were assisting, looks rather ominous.

FORT WATERS, May 14, 1848.

Gov. Abernethy:

DEAR SIR. The recruits arrived at this place yesterday, ten days from Fort Wascopam, all in good health and spirits, though much fatigued and a little thin from living on *bread alone* most of the way up. I find the troops here in general good health, save one or two cases. Benj. Ford, private in Maxon's company, died on 12th inst., of inflammation of the bowels, said to have been brought on by taking cold while laboring under an attack of measles. In accordance with my determination at the time I accepted the appointment as Colonel of the regiment, I notified Lt. Col. Waters of the tender of my resignation as such, which I did with much pleasure. The more so, because I found the regiment under his *administration* greatly improved in every way—indeed quite reformed. He has shown himself fully competent to command a regiment *in garrison* at least, and I doubt not *in the field*. To prevent a rupture in the regiment, I have consented to serve as Lt. Col., and am happy to say that all now *seem* contented.

I find some Nez Perçes here anxiously awaiting my arrival. They wish me to say who shall take the place of Ellis. I have said to them it would be good for them to choose the man, but seeing they wished me to speak first, I named Richard to take Ellis's place, and Meanway to be war chief, but told them they must consider on it, and if these did not suit them, they should name such as would, and I would consider, that we must be united on the subject. They are now considering the matter, and I will speak with them again to-day. Some of them volunteered their services with us in the war, which we will certainly accept, as it will at once draw a line between them and the Cayuses. I have called for the Walla Walla chief and the Cayuses, they have come. Yellow Serpent first. I called him to account for his *improper talk* to Mr. McBean and others during my absence, etc. He sweated freely under my lashing, owned a part and denied a part. I spoke sternly and mentioned all I had heard against him; and when I saw that he felt sore and perhaps a little frightened, I treated him well, but still held him smarting under it. At my request to see him, Tootnay (Young Chief,) came. I took a more rigid and stern course with him than I had done with the other. He acknowledged my *talk* was just, and expressed great *shame* for having taken so foolish a course. I told him, and all who are present, that we were bound to hold the country until the murderers were punished; the stolen property returned, and that destroyed paid for. Then asked them what they were going to do? Whether they would try to settle this matter and let us go home to our business and leave them to theirs. Or, would they hold off, as they had done, and leave us here to hold their country with our guns, always ready to fall upon them? Requested them to consider it well, and let me know what they would do as I had told them what we were going to do. They are now sweating under it. I also showed them the bill of articles at this place and those taken from emigrants along the river, as also at Barlow's gate, and told them we would forget nothing. Walluptuleekt is a prisoner at this place. I sent for and have just received a bill of articles delivered by him to McBean, but have not time now to copy it. I will have a settlement with him before we will let him out.

An express arrived last night from the Spokane country, consisting of one white man, Mr. Montgomery, one Cœur d'Alene chief, eight Spokanes (chiefs and principal men) and a Palouse chief; eleven in all, bearing a letter from Rev. Cushing Eells. All well. The Indians are ready to assist us. Telinquoite is in the Palouse country, but the chief wishes to get rid of him. I beg to refer you to the news communicated by others, as I am too hurried to write more at present.

With great respect,

H. A. G. LEE,
Supt. I. A. of O. T.

FORT WAIILATPU, May 14, 1848.

Gov. Abernethy:

SIR. Among the public documents and papers recently committed to my care, I find a commission to myself as Adjutant of the 1st Regiment of Oregon

Riflemen. Col. Waters having accepted the chief command, I have no further use for the document; it being his right and duty to appoint his own Adjutant. The commission is hereby transmitted.

Respectfully
C.W.Cooke

P. S.—Our enemy is where we left them. We have 450 men here now, and I suppose will set out immediately in pursuit. Walluptuleekt and some other rogues are prisoners here. Two Spokanes came in last night; say they know where several of the murderers are and will help to get them. Ellis is dead and the Nez Perces want to join us. I think with proper care and management, the war can be speedily closed. The men wish very much to get home by harvest, and I would like very much myself to lean back under the cool shade in the valley on the 4th of July and talk about *American Independence*. C. W. C.

The following letter from Col. Waters will explain itself:

FORT WATERS, May 14, 1848.

Gov. Abernethy:

SIR. Col. Lee arrived at this post on the 9th inst., having come in advance of the main party from John Day's river for the purpose of holding a council with the Nez Perces who had been waiting his arrival for some days, and had finally concluded with my consent to send an express after him, to reach this place three days in advance of the main body. I had supposed that he would assume the command of the army as a natural consequence from what had transpired in the lower country and expressed myself accordingly to that officer. He requested me to remain in my present situation until the party arrived; I consented. They reached here on the 13th inst., and to my surprise he submitted to my perusal the tender of his resignation as Colonel of the regiment, requesting me to forward the same to you at the earliest opportunity. His reasons were frankly stated, and after pledging me his sincere friendship and assistance in any and every form that might be conducive to our country's good, I consented to act in the capacity of Colonel. The officers were unanimous in favor of Col. Lee acting as Lt. Col. of the regiment, and he most cheerfully consented to serve them. The regiment was called together, when Maj. Magone stated the peculiar circumstances under which Col. Lee accepted the appointment and called for an expression as to whom should fill the office of Lieutenant Colonel, when the regiment answered with one voice *Col. Lee*. This movement was highly gratifying to my feelings, and with such assistance, I expect to accomplish much for my country's good.

Some of the Nez Perces have already proffered us their assistance to bring the murderers to justice, and we are also credibly informed that a portion of the Spokanes will lend their aid. Teloquoit and party are said to remain in the vicinity of the Palouse river, and if it proves true, there can be but little doubt of our success in capturing them. *The friendship of the Indians increases with our numbers.* Yet I feel no hesitation in giving it as my opinion, that we have a sufficient force to accomplish everything that might be reasonably expected at our hands and rest assured that no time shall be lost in effecting the one great object of our mission.

The health of the army is generally good. We are making all due preparations to move to the scene of action. The boys are in fine spirits and eager for the march.

Your most Obt Servt
Col. James Waters

The following letters written by Mr. Craig, and Mr. Taylor, will prove of interest. Mr. Craig had lived for some years among the Nez Perces and had great influence among them.

FORT WALLA WALLA, May 16, 1848.

DEAR SIR. The Little Chief of the Nez Perces, has come from the mountains and joined the army with five other Nez Perces, and we are preparing to march after the Cayuses. Old Lookingglass says that a great many more of the Nez Perces will join the army. They all appear anxious that the murderers should be taken. Col Waters will take a part of the army, and Lt. Col. Lee the other part, and proceed after Telokite. Yours, &c. WM. CRAIG.

FORT WALLA WALLA, May 29, 1848.

Gen. A. L. Lovejoy:

DEAR SIR. I have just time to drop you a line by Father Goset. I arrived here as he was on his horse, leaving for the valley. The army of 400 men are yet out in the Nez Perces country, gathering up the stock of the murderers, who have all fled leaving their country and stock, so says Indian report. A part of the army is following on after the murderers in hopes of overtaking them. The murderers have fled towards Fort Boise, or Fort Hall, but they have left their stock and families, there is no hope of overtaking them. Young Chief says that his brother Five Crows, is going to give himself up, and be tried by our laws in the valley. Five Crows has got well and is about the Grande Ronde. Tam Suckie is near Fort Boise where some of the other murderers have made for. We look every day now for a part of the army in at the fort, with the stock taken, and feel in hopes that a majority of the men can leave in time to get home and attend to the harvest. Nothing but the number of men that came up here quelled the Indians into submission, as they heretofore have had no idea of the force and resolution of the Americans. And it is believed, it will have a great influence over all the tribes up here, as all are suing for peace. Yours truly. J. TAYLOR.

N. B. All the above are Indian reports.

Immediately on receipt of Col. Lee's letter of resignation as Colonel and his election as Lieut. Colonel to maintain harmony, the Governor forwarded to him his commission accompanied by the following letter.

OREGON CITY, June 5, 1848.

SIR. I received yours of 13th and 14th of May; the former tendering your resignation of the office of Colonel of the First Regiment of Oregon Riflemen, which has been accepted, and your commission as Lieut. Colonel will be forwarded by the Adjt. Gen. I have written to Col. Waters to hold a council with you, and decide upon the number of men that he requires in the upper counjry. I presume from your letters which are highly satisfactory, that before this reaches you, all that can be done by the troops will have been accomplished.

Captain Felix Scott goes with one company to meet the emigrants on the southern route. Should you go out to meet them on the northern route, I think it advisable to go with a small party and as far as the Narrows in advance of the main party, and if Tam Sukey is there secure him, and while the main body of the army is at Fort Waters, make your treaties with the Indians, and get the chiefs to promise to use all their influence to protect Americans traveling through their country. Mr. Spalding has applied to me for permission to return to The Dalles. I have told him I could not give my permission until this matter was fully settled. I understand the Catholics have gone up as far as The Dalles. I do not know as I can give you any advice as what is best to be done, and the best way is to leave it to your judgment. I think everything is going on well. A report has reached us that the *Henry* is in the river, I did not credit it, but find that she is in. To-day the election for representatives to the Legislature is held. I send you the papers.

Yours with respect, GEO. ABERNETHY,
Gov. of Oregon.

LT. COL. H. A. G. LEE,
Supt. I. A. of Oregon.

Mr. C. E. Pickett, at this time living in California, who formerly lived in Oregon, was written to by Gov. Abernethy, to use his influence with the American Commodore, Thos. Aple Jones, who had relieved Com. Shubrick, and was replied to in the following. It seems that the U. S. Government was more interested in prosecuting an unjust war for political purposes against a weaker nation, than rendering aid to her own distressed people; but the inhabitants of Oregon were becoming accustomed to such treatment:

FLAG SHIP OHIO, MAZATLAN ROADS, May 24, 1848.

Mr. C. E. Pickett:

SIR. Yours of April 25th, enclosing the copy of one from Gov. Abernethy of Oregon to you, was duly received by the brig *Henry*. I am truly sorry to hear of the massacre of the missionary family and the outbreak of the Indians in Oregon. But be assured sir, if I had any sort of vessel at my command, that nothing would afford me higher gratification than to dispatch her to the Columbia river, but the return of two of the ships home, just before my arrival here, and the detaching of the third to the East Indies by order of the Hon. Secretary of the Navy, as also the absolute necessity of sending home two others, leaves me only three to hold Mazatlan and Guaymas—taken possession of by Commodore Shubrick—and for all other purposes of war on this extended coast. The treaty of peace is not yet ratified by the Mexican Congress, nor is it by any means certain that it will be, consequently I am much embarrassed by that uncertainty. I am expecting more vessels from the United States in the coming summer. If they arrive, I shall dispatch one to Oregon. Please forward a copy to Gov. Abernethy, and oblige yours truly.

Thos ap C Jones
Commander in Chief
U. S Naval Forces
Pacific Ocean

It will be remembered that the Legislature shortly after the news of the Whitman massacre, appointed a committee of three to write a letter to the U. S. Commissioner at Honolulu, for such aid as he could render or influence to be sent to suppress the Cayuse Indians. Judging from the letter written to the Commodore of the Pacific squadron either this committee or some one else had written some very alarming letters, and caused our worthy U. S. Commissioner a great amount of uneasiness. The following are the letters:

OFFICE OF U. S. COMMISSIONER,
HONOLULU, June 6, 1848.

SIR. Enclosed I forward you a letter I have just written to Com. Jones in reference to affairs in your Territory. You will oblige me by keeping me advised of the progress of events, and I may be able to render you assistance. Yours resp'tly.

HON. GEO. ABERNETHY, A. TEN EYCK.
Gov. of Oregon.

(COPY.)

OFFICE OF U. S. COMMISSIONER,
HONOLULU, June 5, 1848.

SIR. Information upon which I think I may rely, induces the opinion, that the presence of one or more sloops-of-war, at this time, is very desirable, if not actually necessary in the Columbia river. You are undoubtedly aware of the outbreak amongst the Indians against our countrymen and the organization of armed volunteer forces under the authority of the Provisional Government of the Territory, and that these have for sometime past been actually engaged in driving back the savages.

You are not probably aware of the bad state of feeling existing in the country between our citizens and the factors, agents, &c., of the Hudson's Bay Company. The latter are accused by our citizens of furnishing arms, and ammunition to the Indians and otherwise countenancing and aiding them in their hostilities towards the American settlers. The rumor is, that a portion of the volunteer forces on satisfying themselves that the Indians had received ammunition from one of the Company's forts above Vancouver, attacked and took it, and even threatened Fort Vancouver itself. That an angry correspondence between Gov. Abernethy and Mr.

Douglas, one of the Company's Chief Factors had taken place. That Mr. D., had written to the Company's agent here, and to the English Consul General, for the dispatch to the river of an English man-of-war, and that the Consul General, only waited an opportunity to write the English Admiral at Valparaizo on the subject. I may add our people are very poor, and are much in need of arms and ammunition, and are much alarmed. Having good reasons to credit these rumors, I do not hesitate to request that you lose no time in dispatching such force as you can spare from the squadron, and as the exigencies of the case may seem to require to the Columbia river. I have of course forwarded a copy of this letter to the State Department.

Yours very respectfully,
A. TEN EYCK.

COM. THOS. APCALESBY JONES,
Commander-in-Chief, &c.

To the above, Gov. Abernethy wrote the following reply to Mr. Ten Eyck:

OREGON CITY, July 10, 1848.

SIR. I received your esteemed favor of 6th ult., per ship *Eveline*, together with a copy of yours of 5th June to Commodore Jones, for which please accept my thanks. I wrote Commodore Shubrick on the same subject requesting him to send us a man-of-war, but have not yet heard from the Commodore. We have in a measure got our difficulties settled. The murderers have fled from the country; the neighboring tribes profess friendship and have sued for peace. Our little army has therefore been disbanded, leaving only a few men at the two forts, to hold them until the troops of the United States arrive to relieve them. I am in hopes that will be this month or next.

The presence of a man-of-war in our river this summer with the understanding among the Indians, that it was in consequence of the murders committed by the Cayuses would have a good effect on all the tribes of this country, as far as American citizens are concerned, and I therefore feel under great obligations to you for the active part you have taken in our behalf. Should a sloop-of-war be sent this summer, we shall feel that we are not entirely neglected by our Government.

In your letter to Com. Jones, you speak of the bad feeling existing between the Americans and the agents of the H. B. Co. That the latter furnished ammunition and arms to the Indians. That the volunteers had sacked one of the Company's forts; and an angry correspondence had been carried on between Mr. Douglas and myself. I feel it my duty to correct these reports.

The Company did not render us that aid which we expected to receive in the way of a loan, refusing any money on the credit of the National Government, and giving as a reason, that they had orders from home to give no credit. They however advanced us means on individual paper to some extent. Reports were prevalent here that the volunteers intended to make an attack on Vancouver. They feared it would be so, and Mr. Douglas wrote so, expressing his fears, but on my reply informing him that nothing was in contemplation, with which he expressed himself fully satisfied. All of our correspondence has been of a friendly character.

With regard to furnishing ammunition to the Indians, Mr. Ogden on his way up to rescue the prisoners, gave powder and ball to the Indians for the passing of his canoes. This was their former custom, and he says, he did not wish to excite any suspicion in their minds, for fear it might defeat his object. I think it very likely our efforts to punish the Indians will have a dileterious effect on the H. B. Co., with the Indians. They have looked upon them as the most powerful people in the country, and on the Americans as women, perhaps they have been told so.

There is a probability that by this time their opinions are a little changed. They see that the Americans are able and willing to punish them if they wrong them; and I am in hopes this knowledge will be beneficial to them and us. But we have no assurance that peace will continue one month, and we therefore look anxiously for the protecting arm of our Government to be extended over us. With many thanks for your kindness, I have the honor to remain yours truly,

ANTHONY TEN EYCK, ESQ.,
U. S. Commissioner, Honolulu

GEO. ABERNETHY,
Gov. of Oregon.

COMMISSARY'S OFFICE,
OREGON CITY, June 4, 1848.

Gov. Abernethy:

DEAR SIR. I have just been informed by the Loan Commissioners, that they have no funds on hands to meet the expenses of this department; and as there are many liabilities already contracted, and others daily accruing without the means of liquidating them, it will be impossible to carry on operations, unless measures be taken to meet those liabilities and supply the army with food and clothing. An impression seems to be entertained by many that there is no longer any necessity for keeping the army in the field. But whether this be a correct conclusion or not, it is not my purpose to inquire. It is only necessary to say that it operates very materially against raising means to supply the army. In absence of all other funds and the decision which the Loan Commissioners have made, that they are not authorized by law to execute bonds for such debts as this department may contract, places it entirely beyond the power of the Commissary to furnish the army with its pressing wants. Yours truly.

Joel Palmer Com Genl

COMMISSARY'S OFFICE, June 17, 1848.

Gov. Abernethy:

DERR SIR. On my way to Mr. McSwain's this morning, I met Mr. Casidson, the bearer of dispatches from Col. Waters to the war department, informing us that the troops would reach the Clackamas on the 21st, and they would halt at or near McSwain's until further advised: A part have already reached the ground designated; among the number is Col. Lee. A party of fifty men has just arrived in this city, two-and-a-half days from The Dalles by river conveyance. Twenty-five or thirty will be here to-morrow. The regiment will be at the Clackamas to-morrow evening. All hands seems to be anxious to get home. The officers seem to have but little control over the men. They have apparently become perfectly reckless, and will leave camp regardless of consequences. Under such circumstances, it is a question, whether it would not be advisable to discharge them at once. If your business at the Institute[1] is such that you cannot return immediately, I would suggest whether you would not appoint some person to muster the troops out of service. I have sent four barrels of flour and made arrangements for beef to supply the troops. The H. B. Co.'s boat *Cowlitz* arrived at Vancouver this morning; we have not heard whether she brought any important news or not. Messrs. Snook and Fleming are among those who came by boat. Cols. Waters and Jennings will be here to-morrow. Yours truly,

JOEL PALMER.

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[1] Now Willamette University, Salem. Gov. A. was one of the directors.

On Col. Lee's return to Oregon City from the seat of war, he wrote the following letter that will explain itself and shows the unselfish generosity of the man:

OREGON CITY, June 24, 1848.

DEAR SIR. Having fulfilled my promise to Col. Waters, and to the officers and men of the regiment, in accompanying them through the late campaign, I consider myself released from any further military connection with the regiment, that connection having expired by limitation on our return to Fort Waters. Consequently, I there withdrew from the regiment.

On the road from that place to Fort Wascopam, met a commission filled out for myself as Lieutenant Colonel. This doubtless grew out of a misunderstanding of the consent I gave to *act as such for the time*. When I resigned my commission as Colonel, I believed I was only yielding to another, what I knew he considered his rights, and my consent to fill an office under him was purely from a wish to preserve peace, friendship, and good feeling in the regiment until a last effort should be made to punish the enemy, and not to gratify any ambition to fill an office. In resigning the former office, there was no *sacrifice*; but on the contrary, a high degree of *pleasure*. In submitting to the latter, though temporarily, I confess, there was a sacrifice required. It was made as long as necessary to the success of the campaign. With the *necessity*, my obligations expired. With high sense of obligation and duty to the community, and a sense of gratefulness to your Excellency, I beg leave to decline the proffered honor. You are aware that no election in the regiment to fill that office could be legal, while there was no vacancy, even if the appointing power had been vested in the regiment. So that all I did in that capacity was by mutual consent, and not legal authority.

I remain yours truly, H. A. G. LEE.

GOV. ABERNETHY.

Lt. Col. Lee, Supt. of Indian Affairs, wrote the following in regard to the rewards offered for some of the murderers:

OREGON CITY, June 24, 1848.

Gov. Abernethy:

SIR. Inclosed is a letter from Wm. McBean, chief trader of the H. B. Co., at Fort Nez Perce, containing some intelligence relative to Indian affairs, which may be read with some interest. In connection with the transaction reported in that letter, allow me to say that a reward of fifty blankets has been offered for the capture and delivery of any one of the principal murderers—such as Telowkoikt, Tam Sucky, and others, or half that amount for their scalps; and twenty-five blankets for any one of the common men concerned in the massacre. This reward was offered upon the faith of a subscription, which was gotten up in the regiment, after it was resolved that it was useless for the regiment to pursue the flying enemy farther. The fact that such a reward was offered, was not known to Serpent Jaune at the time referred to in McBean's letter. But I am happy to say, it was known to the Nez Perces, and favorably considered by them; and that I have good reasons to believe, that some of the most influential men amongst them are now laboring to gain that reward.[1]

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[1] There was also a subcription paper circulated in the Willamette valley offering a reward for the capture and delivery of Teloukaikt and Tam Sukie, dated at Oregon City, May 23, 1848, and signed by eighty-eight citizens, who subscribed merchandise, $132; eighty-four blankets at $5 each

Permit me to say, for the information of all concerned, that it is desirable that the peace of the country should not be endangered by missionaries exposing themselves to the fate of our esteemed and lamented friends at Waiilatpu. In accordance with this desire, an opportunity was offered Revs. Eells and Walker of making their escape from the casualties of savage treachery, unawed by efficient military protection; and I am truly glad that they improved that opportunity and are now *safely*, and I hope pleasantly enjoying the society of friends in this city. Upon the same principle, a note was dropped to the Rev. Fathers as I passed Wascopam, a copy of which I enclose. Respectfully,

H. A. G. LEE,
Supt. of Indian Affairs.

FORT WASCOPAM, June 15, 1848.

REV'D MESSIEURS. As Superintendent of Indian Affairs, it becomes my duty to inform you, with all due respect to your sacred calling, that it is desirable, no further missionary effort should be made with any Indians east of the Cascade mountains, until the presence of well organized and disciplined troops under command of United States officers, shall render such efforts safe and judicious. At present, the relations between the whites and Indians are too precarious to allow missionary labors with the Indians to be either prudent or effective of good. So soon as circumstances will allow, I shall take pleasure in throwing open wide the door of missionary labors amongst the natives, *to all Christian missionaries*; at present, prudence demands that it should be *closed against all*. I have the honor to be, &c.

H. A. G. LEE,
TO MESSIEURS BLANCHET. *Supt. Indian Affairs.*

FORT NEZ PERCE, June 4, 1848.

DEAR SIR. I lose no time in communicating with you, as I am just put in possession of information which is of great importance to you all, and which I believe to be correct. Patatis or Pierre, who is encamped about seven miles up the Columbia, with a small party of Walla Wallas, curing salmon, was sent to me by Serpent Jaune, to inform me that, as soon as he reached the Yakima, a day's march from here, he fell in with one of the murderers, whom he got tied by his young men and hung on the spot. He then started in search of another one by the name of *Thomas*—he who killed the American who attended the grist mill. He was said to be a short distance up upon another river. But as Serpent Jaune sent his messenger when starting to go after him, I cannot say what may be his fate. From this information, you will be the best judge, whether you should send a party immediately to assist Serpent Jaune, in case this Thomas might be protected by others. Depending on Patatis more than on Serpent Jaune, I believe the report to be correct, and that there is no treacherous design in it. The good opinion entertained towards me, by the officers and men, is certainly flattering, and through you, I beg to express my humble, but sincere acknowledgements to them, and trust that my conduct will be so regulated as to merit a continuation of the same. I feel particularly thankful to you and the Doctor for the anxiety evinced in regard to my health, and that of my family. It is merely a cold with which we have been troubled. Yours truly.

WILLIAM McBEAN.

QUARTERMASTER S. H. GOODHUE.

—$420; 114 shirts at $1,—total $666. This subscription was sent up to Fort Waiilatpu and expended as directed by Col. Lee and very materially helped in the object desired. I would like to publish the names, as quite a number of them occupied conspicuous positions at that time, but the want of space obliges me to forego that pleasure.

The following is the scheme of Col. Lee to enlist enough men to hold Fort Waters until they were relieved by U. S. troops which were expected to arrive across the plains. But this again proved hope against hope, as none did arrive that year. But the letter is inserted, and followed by another addressed to the editor of the *Spectator*, which will explain the subject more clearly.

OREGON CITY, June 29, 1848.

DEAR SIR. Having recently taken an important step, about the legality of which I have some doubts, I beg to submit the case to your Excellency, and ask some expression upon it. On the return of the regiment from the Nez Perces country to Fort Waters, and previous to a detail of men being made to hold that post, a council of officers was called by request of some of the Captains, as I believe from Col. Waters. The following officers were present: Col. Waters, commanding, Captains Hall, Owens, Maxon, Thompson, Martin, Pugh, Nesmith, Burnett, and Shaw, myself as Superintendent of Indian Affairs. In this council the question arose, "Shall we hold Fort Waters?" After some discussion, a vote was taken which resulted as follows, yeas five, nays six,—lost. The question being decided in the negative, arrangements were made for the immediate abandonment of the fort. I then requested that a call should be made for *volunteers*, which was afterwards ordered, but again countermanded, and preparations made for all hands to leave. Knowing that such a step would be yielding up the little advantage we had gained over the enemy, and *believing* it would be, not only a violation of general orders, but a matter of disappointment to the people in the valley, I resolved to make one more effort, independent of the voice of the council. To make this effort successful, I found it necessary to pledge myself to some responsible men, that I would give them a written authority to colonize the country immediately, securing them as far as in my power against future treaty stipulations prejudicial to their interests. This pledge was accordingly made in good faith to Capt. Philip F. Thompson, of Yamhill, Mr. James Taylor, of Clatsop, and their associates. A call was then made for fifty volunteers to remain until September 15th, next, with a promise from Capt. Thompson, that he would return by that time with families to settle the country. I am truly glad to say that this offer proved successful, and more than the required number of volunteers were obtained.

The point upon which I wish an expression is the *legality* or *constitutionality* of my granting such authority. Of its expediency and utility, I have no doubt. If the course to which I am pledged, be not a violation of any law, or any principles of our organic compact, will you sanction the proceedings, and give to the promised instrument the benefit of your supervising counsel, as well as, the force of your approbation? Your obedient servant. H. A. G. LEE,

Supt. Ind. Affairs.

TO HIS EXCELLENCY,
GEO. ABERNETHY.

[For the Spectator.]

MR. EDITOR. The within is intended for publication, and in connection with it, I should be pleased to say, for the information of any who may wish to join the Colonizing Company, that there are now, in the Cayuse country, grist and saw mills, blacksmith's anvils and bellows, with some tools, a quantity of iron, plows, harrows, hoes, a crop of wheat, peas, potatoes and corn; with almost every convenience and facility for forming a settlement. These, in connection with the superior and peculiar adaptation of that section of the country to the growth of wool, raising of horses and cattle, hold out inducements to the husbandman not equalled by any portion of the Willamette valley; while the climate, for health, and the scenery for beauty, cannot be excelled by any spot on earth.

Respectfully, H. A. G. LEE.

In consideration of the barbarous and insufferable conduct of the Cayuse Indians, as portrayed in the massacre of the American families at Waiilatpu, and the subsequent course of hostilities against the Americans generally; and with a view to inflict upon them a just punishment, as well as to secure and protect our fellow-citizens, immigrating from the United States to this Territory, against a course of reckless aggressions so long and uniformly practiced upon them by the said Cayuse Indians.

After consultation with his Excellency, Geo. Abernethy, Governor of Oregon Territory, and with his advice and consent, I, H. A. G. Lee, Superintendent of Indian Affairs, hereby declare the territory of said Cayuse Indians forfeited by them, and justly subject to be occupied and held by American citizens, resident in Oregon. To encourage such citizens to occupy and hold said territory, Captain Philip F. Thompson of Yamhill county, James Taylor, Esq., of Clatsop county, and all their associates, with others wishing to settle there, are hereby authorized to take and hold land claims within the territory of the Cayuse Indians, according to the laws of Oregon, regulating the taking and holding of land claims; and it is understood that no treaty stipulation shall hereafter be entered into with said Indians prejudicial to the interests of such settlers, while they conform to the laws of the land. In testimony of which, I subscribe my name.

INDIAN DEPARTMENT,
Oregon City July 6, 1848.

H. A. G. LEE,
Supt. I. A. O. T.

May 28, Maj. Magone took sixty men and went to Messrs. Eells and Walker's missionary station, Chimerkin, but called by the Indians Tshimakain, to escort those gentlemen and families out of the country to the Willamette valley. It seems that they had been very urgently requested by the officers of the H. B. Co., who resided in the country east of the Cascade mountains to go to some of *their* posts until they could be escorted to the Willamette valley. They therefore went to the Colville post, but hearing that relief was coming, met Maj. Magone and party at their own station and came with them, and afterwards reached their friends in safety in the Willamette valley.

The following letter from Capt. A. T. Rogers which was carried to Oregon City by Seletza, "kicked up a row" generally, and caused considerable ill feeling among the people, and the Governor received quite a number of letters on the subject; but with his usual good tact and diplomacy, he succeeded in a measure in appeasing the excitement. I append one of his replies immediately after the letter.

FORT WASCOPAM, July 9, 1848.

Gov. Abernethy:

SIR. I embrace this opportunity to send you a few lines by Indian Seletza. I am sorry to inform you that the priests are trying to make a disturbance between us and the Indians. It cannot be proven, but there is very strong circumstantial evidence. The Indians say that the Bostons are very bad people; they ought not to let the Bostons live here. I think he must not make much more disturbance.

I remain yours,
ALEXANDER T. ROGERS.

OREGON CITY, Aug. 1, 1848.

SIR. In answer to your request, I state in writing, that the article written by you for the *American*[1] was correct. I regret very much however, that you gave the article to the public, as all things of this kind tend to excite the community and do no good. I am well acquainted with the Indian character and know their disposition to carry false reports from one to another, sometimes merely to see what effect a report unfavorable to the person they are speaking to will have. I am therefore satisfied that the Indians in making the statement they did to Mr. Rogers, did it to mislead him. For I cannot believe that the priests would be so remiss as to say anything of the kind to the Indians while there is so much excitement in the community. My inquiries for Gen. Palmer and Col Lee had no reference to this letter I was reading. I wished to know if they were in town as a portion of another letter received by me was directed to them.[2] Yours truly.

MR. R. W. FORD, GEO. ABERNETHY.

The following official report although dated June 24th, was apparently not filed or published until July 27th, or it would have been placed consecutively. It will pick up some of the threads of the line of events and make them more clear, although restating some incidents previously stated.

HEADQUARTERS OF THE ARMY,
OREGON CITY, June 24, 1848.

SIR. An official report of the proceedings of the First Regiment of Oregon Riflemen, under my command is herewith submitted:

On the morning of May 17th, I left Waiilatpu in pursuit of our enemies, who said by Indian report, to have stationed themselves in the vicinity of Mr. Spalding's mission. We encamped that night on a small stream near the Toucha. Early next morning we dispatched two companies, 120 men, under command of H. A. G. Lee, Supt. I. A. of O. T., with instructions to cross Snake river, at Red Wolf's ground, and if possible, cut off their retreat from the mountains, while I, with the main body, would cross at the mouth of Palouse river and prevent their flight to the Columbia. On reaching the river at this point on the morning of the 19th, there were no canoes to be seen on either side, notwithstanding previous arrangements had been made with the Palouse chief, by the Superintendent of Indian Affairs to have them in readiness on our arrival. The river was high and rapid, and the idea of crossing our baggage on rafts at once, seemed hazardous in the extreme. A raft was however made, and Maj. Magone and four others crossed, with a view of searching the Palouse for canoes. On reaching the mouth of the river, they met seven Indians who had come to make good their promise to the army. It was late when the Major returned, and the wind was so strong as to render the crossing dangerous. Next morning early we commenced, the wind still continuing to blow, which was greatly against us—having to swim most of the horses by the side of the canoes. About noon on the 21st, we were all over safe and ready for the march, having procured an Indian pilot who pledged himself to lead us direct to Teloukoikt's camp or suffer the consequences. Our camp that night was on the Palouse. Next day, after traveling a few miles, we took up a dry branch that led in the direction of Mr. Spalding's. About noon an express reached us from Revs. Walker and Eells, stating that a portion of the Spokanes had come down with the intention of joining us should their services be solicited. They reported some thirty head of Teloukoikt's cattle in their country, and expressed their willingness to drive them wherever I might say. I ordered them driven to the army, and accepted of forty-three of their armed warriors as our allies.

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[1] "Oregon American and Evangelical Unionist," in pamphlet form of 16 pages octavo, edited by Rev. J. S. Griffin and published at Tualatin Plains.

[2] At the time Gov. Abernethy received this letter (Rogers), there were a number of men standing by, and they asked him to read it aloud, which he did, not knowing its contents, and the news spread rapidly, and Mr. Ford wrote to the "American" and commented considerbly on it so it seems, and afterwards wrote to the Governor in regard to it, to substantiate his assertions. I was unable to find his letter of inquiry.

Next day, about 10 o'clock, two Indians were discovered by the Spokanes, and brought forthwith to me, supposed to be spies from the enemy. They called themselves Nez Perces; said Teloukoikt and party had fled for the mountains, but left a goodly portion of stock, both cattle and horses, and that a few Indians were guarding them on Snake river. I immediately dispatched 100 men under command of Maj. Magone, to take the stock; and if he found any of the guilty, to bring them to speedy justice. On the Major's return he reported to me as follows:

COL. WATERS.—SIR.—On approaching the river, an Indian was discovered on the hills, warmly pursued by Baptise Dorio and others who were in front, and this was deemed a sufficient signal for a charge, which was made at the utmost speed of the animals. Unfortunately mine did not rank with the first class, and I was consequently thrown in the rear despite my exertions to the contrary. Before I got down the hill that leads to the river, I heard the sharp report of the rifle, and supposed we had engaged the enemy. I reached the spot with all possible speed, and found to my surprise that they were shooting at a canoe near the opposite shore and that no person was discoverable in it. I was informed that there were Indians in it, and that they had put out on first sight of our boys, which they considered sufficient evidence of their guilt. There were several Indians camped on the river, among whom I recognized old Beardy, who declared there was not one of the murderers in that vicinity; that Teloukoikt had gone, and two Bostons had come to meet us that morning from Capt. Thompson's camp bearing letters to Lt. Col. Waters. This tale looked so plausible from what I heard pass between you, that I was disposed to place confidence in it. I left a sufficient force at this point to guard the Indians and stock until I returned. I then proceeded up the river to where I was informed Richard might be seen. I was informed by him, that Mr. Cook and another man left there in the morning to meet the regiment. He said the Indians were not guilty of what those taken by surprise alleged against them, and it was done out of fear for their own lives, and from no other cause. When I returned to those left in charge of the Indians, I found that some four or five had crossed over on a raft and killed two Indians. One reported to have been killed while the canoe was crossing. This act, be it distinctly understood, was a voluntary one on their part, as I had given no order to that effect.

I ordered the detatchment to return to the regiment, thoroughly convinced that I would have given more general satisfaction to the men by ordering them to wipe from the face of existence those professed friendly Indians, without distinction or mercy. But believing it to be the imperative duty of a soldier to obey the orders of his superior officer, I returned the detachment to you with the approval, at least, of a clear conscience.

Your obedient servant, J. MAGONE,
Maj. 1st. Reg. O. R.

Mr. Cook arrived with an express from the Supt. of Ind. Affairs, about noon. The substance of it was, that the enemy had fled two days before their arrival, leaving their loose stock behind. Stated that he had crossed to the south side of Snake river, making use of their lodges for boats, and that it was agreed in council to await my orders. Seeing the decided advantage that the Indians had over us, and the many disadvantages under which we labored, particularly in crossing streams, I ordered their detatchment to join us the next day. In the mean time I sent out a detachment, under command of Capt. Burnett, to drive in the stock from the hills, some of our Indians insisting that they belonged to the murderers. While engaged in collecting the animals, an armed Indian rode up declaring they were his, and was unceremoniously shot down by one of the men. It was done on his own responsibility, as no officer in charge had given such order. The detachment from Spalding's arrived the same evening, and Capt. Thompson presented me the following report of the proceedings of companies D and G:

LT. COL. WATERS, SIR. The above companies after separating from the regiment, by your order of 18th inst., proceeded by forced marches, direct to the Red Wolf's crossing on Snake river, under the guidance and with the advice of H. A. G. Lee, S. I. A. At this crossing we learned that Teloukoikt and party had left some of their property near Lapwai, and had gone east in different bands. We crossed the river on the 20th, and proceeded with all possible dispatch to the vicinity of Lapwai, where we arrived early in the morning of the 21st. A small party having been dispatched as scouts a few miles back with Silsutal Emehume, a Nez Perce chief, as guide, soon arrived in camp with a band of horses and cattle known to belong to Teloukoikt. Here we remained some days, keeping parties constantly going in search of the property of the murderers, during which time, many of the Nez Perce chiefs visited our camp and spoke freely of the murderers, giving us (professedly (all the information they possessed concerning their movements. The substance of which was communicated to you in a letter by express from the Supt. Ind. Affairs, on the 23d inst. The Nez Perces were informed that our business was to punish the Cayuses, and that they had fled, so that we could not get them in person, we claimed all the property that they had left in that section of country, and that they (the Nez Perces) ought to assist us in getting it, and not attempt to hide anything from us; that any property brought there by the enemy would be taken as his, although he might have given it to them when he could not get it away. They accordingly assisted us in getting it. We have succeeded in getting 118 head of horses exclusive of sucking colts and forty-two head of cattle. One mare was killed by accident, and three beeves have been killed from the cattle.

In obedience to your order of yesterday, by return express, we have joined your camp with 117 head of horses, colts not counted, and thirty-nine head of cattle. A large spotted horse, not included in the above list, was delivered to the S. I. A., to be returned to Seletza, being one taken from him by the Cayuses last winter. C. W. Cook and David Guthrie, deserve to be noticed for their courage and intrepidity, in going on express in search of your camp in the night, which they did voluntarily. The Nez Perces, who assisted us in crossing the river, deserve something more than the little tobacco, which was all we had to give them.

Your obedient servant. PHILIP THOMPSON,
Capt. Co. D.

This state of affairs, I readily observed, would soon lead to serious consequences, and after consulting with the officers, and finding that they were almost unanimous in favor of returning, I gave orders to march for Waiilatpu on the morning of the 26th. Let me here remark, that the Supt. of Indian Affairs, is entitled to much credit for the course he pursued towards the Indians, under those circumstances, and had it not been for his well timed exertions, I doubt not that we would have been involved in a general war with the most of the Indian tribes in the upper country. Capts. Thompson and Nesmith were ordered to return to Mr. Spalding's place for the purpose of removing Mr. Craig's family and mission property from the country. They joined the regiment with the family and a portion of the property on the 29th. Maj. Magone, at the head of fifty-eight volunteers, was dispatched on the 26th inst., to offer protection to the missionary families at Tshimakin, and escort them to the valley should they be desirous of leaving. I could not view their situation in any other light than precarious and unpleasant. The Supt. of Ind. Affairs advised them to improve the opportunity offered to leave the country. I started with the regiment on the morning of the 30th, and arrived in the vicinity of the fort on June 3d. I spent five days there, during which time the fort was garrisoned by fifty-five volunteers, who enlisted until Sept. 15th, with the expectation of receiving a few more from Maj. Magone's party. Capt. Wm. Martin was put in command of the fort. I then proceeded to Fort Lee (Wascopam), leaving Capts. Owens and Maxon to await the Major's arrival. I garrisoned that post on the 17th inst., with seventeen men, placing Lieut. Rogers at their head. They are willing to await the order of the Governor. The remainder of the regiment I ordered to march by companies to McSwain's, and there Capt. Hall would assume command. I resolved to go down by water, feeling somewhat indisposed. About 2 P. M., of the same day, the Major arrived, bringing with him both the mission families. His report is as follows:

COL. WATERS—SIR. On the evening of May 26th, I encamped on the Palouse river some twenty-five miles from where I left the regiment; soon after, an Indian came to me and asked permission to leave that night for the mission. I granted his request and sent a note by him to Revs. Walker and Eells, requesting them to meet me at their place (they were then at Colville). On the 29th, soon after I arrived at their station, they were discovered coming, and were soon in our midst. They gave us, one and all, a hearty welcome to their once happy home. After the usual preliminaries were over, Rev. Mr. Eells unlocked the door, and I found myself at once in a house that would do honor even to Oregon City. These gentlemen appeared all anxiety to know what course the government of Oregon, or the officers of the army would have them pursue. I briefly gave them your views and those of the Supt. of Ind. Affairs on the subject, and then gave it as my opinion, that you had but expressed the language of the Oregon Government. With this explanation, they appeared perfectly satisfied, and said without a moments hesitation, "we are ready to go wheresoever duty calls us, we will leave in the morning for our familes, and shall return as soon as possible." They furnished us with an abundance of provisions, and we remained resting our jaded animals until they returned. They arrived on June 3d, about 11 o'clock A. M., and I can assure you it was truly gratifying to my vanity to have such an interesting group committed to my charge. Such emigrants cannot fail to add much to the society of Oregon. After about two hours rest, we were all on the march, and I am happy to say, the men were ever found ready and willing to render any assistance that would tend in the least to the comfort or convenience of the families. The Indians behaved well, but appeared to regret much that the missionaries were going to leave.

I stated to them the reason why I came, which appeared to satisfy them, notwithstanding several shed tears on bidding them adieu, and two accompanied us to Snake river. Five of my party remained at Fort Waters, among them C. W. Cook. Our whole trip has been a pleasant and prosperous one, and I take great pleasure in committing my sacred charge to your care, confidently trusting that their most sanguine expectations will be realized on reaching the valley.

Your obedient Servant. J. MAGONE,
Maj. 1st Reg. O. R.

Owing to adverse winds, I was unable to reach the city until most of the companies had got through the mountains. Capt. Hall, who was in command of the regiment, not meeting the proper officers at McSwain's as was expected, furloughed the companies, subject to the order of the Governor. This step, was perhaps objectionable, but I am disposed to believe the best that could have been taken under the circumstances.

Your obedient servant.

A. L. LOVEJOY,
Adjutant General.

JAMES WATERS,
Col. Comd'g 1st Reg. O. R.

To show the trouble that Commissary Palmer had in obtaining supplies for the troops that remained at Forts Waters and Wascopam, the following is appended:

COMMISSARY OFFICE,
OREGON CITY, July 12, 1848.

Gov. Abernethy:

I observe in your proclamation, dated July 5th, discharging the 1st Regiment Oregon Riflemen, that a portion of the regiment has been detailed and to remain on duty at Forts Lee and Waters. Knowing that those detailed for the service were needing many articles of clothing, as well as provisions, and having no funds on hand to enable this department to furnish those supplies, I addressed a note on the 10th inst., to the Board of Loan Commissioners, asking an amount barely sufficient to subsist and clothe the men until the close of the quarter ending Oct. 1, 1848. I have received for answer to that communication, that the Board of Loan Commissioners have no funds on hands, and they think it impossible to raise any at this time. As a former decision of the board was that they were not authorized to execute bonds for such debts as I might contract; it is placed entirely beyond the power of this department to longer supply the troops. Yours &c.

JOEL PALMER, *Com. Gen.*

The following editorial copied from the *Spectator* of Sept. 6, to which the letter from Lieut. Rodgers, is appended created considerable excitement. The Legislature taking it up at the next session.

"By reference to the following letter by Lieut. Rodgers to Gov. Abernethy, it will be seen that the arms and ammunition attempted to be taken into the upper Indian country by the Catholic priests, have been seized by Lieut. Rodgers, and deposited in Fort Lee. Orders have been dispatched to Lieut. Rodgers to sieze and detain those munitions. Much credit is due to Lieut. Rodgers and the little garrison at Fort Lee, for the promptness and efficiency with which they acted in the matter. We understand that there was no disposition on the part of the officers of the government to destroy or confiscate those munitions, but, that they were detained to prevent their transportation into the Indian country under the present juncture of affairs. We had intended to have spoken plainly upon the attempt, by Catholic priests, to transport such a quantity of arms and ammunition into the Indian country at this time, but as those munitions have been siezed, and are now safe, we abstain from present comment upon the transaction."

FORT LEE, WASCOPAM, Aug. 21, 1848.

To Gov. Abernethy:

Believing it to be my duty to let you know anything of moment that transpires at this station, for this purpose I now address you. About 2 o'clock, P. M., at this present, a boat arrived, consigned to the French priests who have taken up their residence here, loaded with about 700 or 800 pounds of gunpowder, 1,500 pounds of lead, and three boxes of guns. I thought it was my duty, immediately to take charge of them, and keep them until I get orders from you as to their disposal. By examining into the matter, and sending me directions as to my future conduct in this affair, you will greatly oblige your humble servant,

LIEUT. A. T. RODGERS.

P. S. It seems impossible to me that they can require so much ammunition for private use.

A. T. R.

"*Resolved.* That the Governor be and is hereby requested to inform the House as soon as convenient, what disposition if any, has been made with regard to certain arms and ammunition, what number of guns, quantity of powder and balls, seized at Wascopam in August last by order of the Government."

This resolution was found enclosed in Lieut. Rodgers letter, the latter endorsed as answered, but I am unable to find a copy of it. The resolution was endorsed as received, but no communication on file in regard to it.

At the expiration of their enlistment, Sept. 15th, the volunteers stationed at Forts Waters and Wascopam, returned to Oregon City and were discharged. These two companies rendered considerable aid to the emigrants and secured for them a safe transit through the country.

It is true that there were not many Indians killed, still they were taught that the "Bostons," or Americans were not *women* as they had been led to believe for several years, evidently by some of the officers and servants of the Hudson's Bay Company. This war had also a very deteriorating effect on the influence of that once, all powerful company, as there is no doubt that the Indians expected moral if not material aid from their old friends and, in a measure, masters for a long series of years.

Gov. Mason of California, sent by the brig *Henry* in August to Gov. Abernethy, a 6-pound brass field piece with ample supply of ammunition and fixtures; 500 muskets and 100 rifles with a good supply of cartridges, which were kept at Oregon City, until the organization of the Territorial Government and the arrival of the U. S. troops and were then turned over to the General Government.

ROSTER OF OFFICERS, STAFF AND FIELD,

Also of companies who served in the Cayuse war, commencing Dec. 8, 1847, and ending Sept. 15, 1848.

Commander-in-chief, Governor Geo. Abernethy; Adjutant General, A. L. Lovejoy; Commissary General, Joel Palmer; Colonel, Cornelius Gilliam, (accidently killed,); Colonel, James Waters; Lieutenant Colonel, Henry A. G. Lee; Major, Joseph Magone; Reg't Q. M., B. Jennings; Reg't. Adju't., Benjamin F. Burch; Paymaster, S. B. Knox; Surgeon, Wm. M. Carpenter; Asst. Surg., F. Snider and H. Saffarans; Judge Advocate, Jacob Rinearson; Ordinance Department, Samuel J. Gardiner.

NON-COMMISSIONED STAFF.

Sergeant Major Josiah H. Blankinship; Q. M. Sergeant James Taylor; Hospital Steward Bennett Osborn.

First Company.—(unlettered) Captain, H. A. G. Lee, 1st Lieut. Joseph Magone, 2d Lieut. John E. Ross, Surgeon W. M. Carpenter, Orderly Sergeant J. S. Rinearson, 2d Sergt. J. H. McMillen, 3d Sergt. C. W. Savage, 4th Sergt. S. Cummings, 5th Sergt. Wm. Barry. *Privates*—John Little, Joel McKee, J. W. Morgan, Jos. B. Proctor, S. K. Barlow, John Richardson, B. B. Rogers, — Shanon, A. J. Thomas, R. S. Tupper, O. Tupper, Joel Witchey, G. W. Weston, Geo. Wesley, Isaac Wilgamot, Jacob Johnson, John Lassater, Ed. Marsh, Geo. Moore, Nathan Olney, Ed. Robinson, J. H. Bosworth, Wm. Beekman, Benj. Bratton, John Balton, Henry W. Coe, John C. Danford, C. H. Deffendorf, David Everest, John Fleming, John Finner, John G. Gibson, James Kester, Henry Levalley. [A. Lytle, A. Greenleaf, James Fields, and G. W. Weston, discharged at The Dalles, Jan. 17, 1848. Joined the company at The Dalles, J. T. Lassater, H. Carnehan, Alex. McDonald and Samuel Bently. Capt. Lee's report of January 17, 1848.]

Second Company (A). Captain, Lawrence Hall, 1st Lieut. Hugh D. O'Bryant, 2d Lt. John Enyant, 1st Sgt. Wm. Sheldon, 2d Sgt. Wm. Stokes, 3d Sgt. Peter S. Enyant, 4th Sgt. Thos. R. Cornelius, 5th Sgt. Fred. H. Ramsey, Color-bearer, Gilbert Mendon. *Privates*—R. Arthers, Alvin C. Brown, Isaac Butler, Sam'l Y. Cook, S. Cunningham, Ira M. Donald, John Elliott, Abraham Enyant, Thomas Fleming, Samuel Furgeson, Samuel Guthard, Israel N. Green, J. C. Holgate, Stephen A. Halcomb, David Harper, Noah Jobe, Allen Kennedy, Alvis Kinsey, Thos. Kinsey, Josiah W. Lingenfelter, Andrew Leinberger, John Lousinquot, Geo. A. Langworthy, Oliver Lowden, Henry Larailey, John H. Leinbarger, Wm. Mclaneary, Marshal Martin, Geo. H. Mirch, Perin G. Northrup, Wm. R. Nowland, S. Ross, David C. Smith, Henry N. Stephens, J. H. Smith, Josiah W. Scott, Geo. W. Smith, John L. Scroggins, Drewery Shoemaker, Allen Stewart, John W. Smith, Wm. W. Walter, Robt. Walkers, Wm. Williams, Randal Yarber, John A. Zachery.

Third Company (B). Captain, John W. Owens, 1st Lt. Alex. T. Rodgers, 2d Lt. Thos. C. Shaw, 1st Sgt. Jas. C. Robinson, 2d Sgt. Benj. F. Burch, 3d Sgt. Jas. Bilyieu, 4th Sgt. Robt. McElwain, 5th Sgt. Robt. Smith. *Privates.*—Geo. W. Adams, Benj. Allen, Wm. Athey, Ira Bowman, John Baptiste, — Currier, Manley Curry, Geo. Chapel, Jesse Clayton, Wm. Doke, John Dinsmore, Sinnet T. Duffield, Nathan English, Squire Elembough, John Fiester, Jesse Gay, D. H. Hartley, Lester Hulon, Flemming R. Hill, Stephen Jenkins, Jas. Keller, J. Larkins, Daniel M. McCumber, Joshua McDonald, Thos. Pollock, Ed. Robinson, John H. Smith, Chris. Stemermon, Sebron P. Thornton, Joseph Wilbert, Wm. Wilson, Thos. R. Zumwalt, E. McDonald, Henry Fuller, Charles Zumnord.

Fourth Company, (C). Captain, Hamilton J. G. Maxon, 1st Lt. Isaac N. Gilbert, 2d Lt. Wm. P. Pugh, 1st Sgt. Wm. R. Johnson, 2d Sgt. Obadiah S. Thomas, 3d Sgt. Thos. M. Buchner, 4th Sgt. Daniel Stewart, 5th Sgt. Joseph Ralston. *Privates.*—Thomas Alpin, Andrew M. Baxter, Jackson Baty, Wm. Basye, Charles Blain, Henry Blackner, Wm. Borden, Samuel Clark, John M. Cantral, A. Cantral, Samuel U. Chase, John R. Courtney, Ruben Crowder, John W. Crowel, Samuel Cornelius, Wm. Chapman, Jas. S. Dickinson, Manley Danforth, Albert G. Davis, Wm. Dinsmore, Solomon D Durbin, J. Earl, S. D. Earl, Napoleon B. Evans, Richard Evans, Albert H. Fisher, John Feat, Isaac M. Foster, Eli Ferguson, Wm. Ford, Benj. Ford, Samuel Fields, David Garbin, Thos. Graham, Wm. Hawkins, G. Hubbard, H. Hart, R. Johnson, Wm. A. Jack, I. M. Johns, Alvis Kenny, Jas. Killingworth, J. H. Loughlin, J. R. Lebo, John Lemon, D. Layton, H. Martin, J. S. Miller, J. McCoy, M. McCulley, I. Morgan, R. Montgomery, J. Morris, M. B. McKinney, Jas. Officer, R. H. Pollard, H. Polley, Fred. Paul, J. B. Proctor, J. Patterson, Jos. Rucard, Wm. Robinson, S. Ritner, J. M. Rowel, Wm. Russet, Wm. M. Smith, A. M. Smith, Geo. M. Scrowder, J. Sheithoof, A. Stone, Wm. Sherley, J. Vaughn, T. Warener, J. Wheeler.

Fifth Company, (D). Captain, Thomas McKay, 1st Lt. Charles McKay, 2d Lt. Alex. McKay, Orderly Sgt. Edward Dupois, 1st Sgt. Geo. Montour, 2d Sgt. Baptiste Dorio, 3d. Sgt. David Crawford, 4th. Sgt. Gideon Pion. *Privates.*—Ampreville, C. Beauchman, N. Bird, A. Bonanpaus, J. Cunningham, C. Coweniat, J. A. Delard, F. Dupee, N. English, J. Gervais, F. Gravelle, J. Guslonis, A. Lafaste, O. Lafaste, L. Laplante, R. Linkletter, L. Montour, J. Paine, A. Pearce, A. Plante, A. Poisier, A. Russie, J. Sinegratte, J. Spence, Wm. Towses, A. Vatrais, B. Landeriste, P. Lacourse.

Sixth Company, (E). Captain, Philip F. Thompson, 1st. Lt. James Brown, 2d Lt. J. M. Garrison, Ord. Sgt. G. E. Frazer, 1st Sgt. A. E. Garrison, 2d Sgt. A. Welton, 3d J. Freer, 4th Sgt D. D. Dorkin. *Privates.*—M. P. Brown, J. Copenhagen, W. A. Culberson, R. Crowder, H. Davis, B. Davis, J. Elechels, J. Eldridge, Wm. Eads, J. Faron, A. K. Fox, C. B. Gray, W. J. Garrison, R. Harmon, Wm. Hailey, J. O. Henderson, J. A. Johnson, G. Rowland, J. D. Richardson, Wm. Rogers, Martin Wright, T. Wilson, Wm. Smith, W. B. Stillwell, E. T. Stone, Wm. Shepard, J. Thompson. A. Jobe, H. C. Johnson, T. J. Jackson, J. Kenney, J. Kilwalder, H. Kearney, A. Lason, J. Leabo, J. C. Matheny, D. Matheny, A. Matheny, Wm. McKay, C. P. Matt, J. Orchard, J. Packwood, J. B. Rowland, C. Rogers.

Seventh Company, (F). Captain, Leven N. English, 1st Lt. Wm. Shaw, 2d Lt. F. M. Munkers, Ord. Sgt. Wm. Martin, 1st Duty Sgt. H. English, 2d Sgt. G. W. Shaw, 3d Sgt. T. Boggs, 4th Sgt. L. J. Rector. *Privates,*—J. Adams, L. N. Abel, W. Burton, J. Crank, J. Downing, L. N. English, jr., T. T. Eyre, N. Ford, R. D. Foster, A. Fish, A. Gage, A. Gribble, T. Gregory, R. Hays, G. W. Howell, W. Howell, F. Howard, R. Jenkins, J. H. Lewis, G. H. March, N. G. McDonald, Wm. Medway, Jas. Officer, J. R. Payne, J. Pearson, C. Roth, J. Rowel, S. Senters, W. Simmons, Benj. Simpson, L. Stewart, D. Waldo, G. Wesley, T. Wigger, William Vaughn, A. Yorke.

Eighth Company, (G). Captain, William Martin, 1st Lt. A. E. Garrison, 2d Lt. David Waldo, 1st Sgt. L. J. Rector, 2d Sgt. William Cooper, 3d Sgt. Fales Howard, 4th Sgt. J. Sylvester, 5th Sgt. Benj. Wright. *Privates,*—J. Albright, T. J. Blair, H. Burden, J. Borst, G. Crabtree, S. Center, J. Crank, J. Cox, W. Cook, T. Canby, J. Eads, T. T. Eyre, P. Fowler, S. Ford, S. M. Grover, J. C. Holgate, J. Keizer, P. C. Keizer, Wm. Melawots, J. Matheny, A. M. Rainwater, L. Stewart, B. F. Shaw, G. K. Vernon, Wm. Waldo, I. Wood, C. S. Pringle, S. G. Pugh. This company was recruited mostly from men who had returned from one term of enlistment.

Ninth Company, (H). Captain, William P. Pugh, 1st Lt. Nelson R. Doty, 2d Lt. Maxwell Ramsby. Ord. Sgt. George W. Vernon, 1st Duty Sgt. David Weston, 2d Sgt. H. M. Smead, 3d Sgt. Almond Moore, 4th Sgt. H. L. Brown. *Privates*,—W. H. Bradford, W. P. Breeding, J. C. Boon, B. Blevins, M. C. Chambers, J. Cronkhite, W. Crabtree, C. W. Curl, A. F. Davidson, T. Deakins, D. Delaney, J. Davis, I. Flannery. J. Finner, C. P. Fullerton, E. Fust, J. Gaddy, J. Garrel, W. N. Griffin, W. Johnson, J. Kendall, A. S. Knox, C. Klum, J. Low, J. McBride, J. Montieth, W. R. Miller, W. Miller, J. Neal, L. Payne, J. Pierce, P. Potter, C. S. Pringle, J. W. Peat, A. A. Robinson, L. C. Richardson, A. Rader, F. F. Redman, T. Riggs, A. Stewart, P. Scott, H. Simpkins, L. M. Savage, J. Savage, E. Stout, P. Sheaffer, J. Smith, T. Shrum, H. Shelton, J. S. Thomas, G. B. Thomas, J. H. Whitley, E. Wimberly, Wm. Waldo, and L. Wright.

Tenth Company, (I). Captain, James W. Nesmith, 1st Lt. J. S. Snook, 2d Lt. Mitchell Gilliam, Ord. Sgt. Rush Mendenhall, 1st Duty Sgt. John McCloskey, 2d Sgt. John Scudder, 3d Sgt. Benj. Taylor, 4th Sgt. Woodford Holman. *Privates* C. Ashworth, J. M. Bacon, J. Butler, J. W. Burch, R. Chrisman, O. F. Clark, J. Canlin, H. Coleman, T. Culby, A. P. Caldwell, A. Cone, A. R. Cook, *D.* Culver, W. Darst, J. E. Davidson, E. C. Dire, N. H. Eberman, J. Elmburg, P. Earl, J.S.E. Elkins, M. A. Ford, J. T. Foster, W. Glaser, F. M. P. Goff, D. M. Guthrie, M. P. Gilliam, S. B. Hall, I. Hinshaw, J. C. Hackett, S. W. Iler, J. Imbree J. Jones, J. Johnson, S. King, F. Ketchum, H. P. Lock, J. Lowery, J. J. Louk, J. M. Leigh, R. W. Morrison, A. Martin,. T. Martin, J. W. McNary, J. Monroe, W. McCoy, J. W. McNeal, J. W. Newman, W. Olds, J. M. Owen, B. Osborne, E. Pyburn, G. W. Pyburn, E. Peters, J. M. Richie, M. S. Riggs, A. B. Robinson, D. H. Smith, J. Smith, D. Trinder, S. Vanvoist, P. Weise, J. Welch, W. H. H. Walker, C. Wright.

Eleventh Company, (K).—Captain, William Shaw, 1st Lt. David Crawford, 2d Lt. Baptiste Dorio, 1st Sgt. A. M. Smith, 2d Sgt. George Laroque, 3d Sgt. Vatall Bergeron, 4th Sgt. G. W. Shaw, 5th C. McKay. *Privates*,—J. H. Bigler, O. Crum, J. Despeont, C. Edwards, W. Felix, X. Gervais, A. Heeber, D. Jones P. Jackson, S. Kinzey, A. Laborain, W. Morrill, W. McMillen, F. M. Mankis, B. F. Nichols, J. Pearson, X. Plante, F. Poiecer, J. Peares, A. Plants, H. Smead, W. Towie, E. Viliell, Geo. Westley.

Twelfth Company.—Organized at Oregon City, March 8, 1848. Captain, J. M. Garrison, 1st Lt. A. E. Garrison, 2d Lt. John Herren, 1st Sgt. J. B. Keizer, 2d Sgt. P. C. Keizer, 3d Sgt. Geo. Crabtree, 4th Sgt. G. Larocque, 5th Sgt. J. Colster. *Privates*,—F. Biernaisse, V. Bergeron, T. E. Blair, H. Burden, J. C. Cox, T. Canbe, J. Despart, F. Fowler, C. M. Grover, D. Herren, J. C. Herren, A. Hubert, I. Matheny, S. P. Pugh, J. Picard, Z. Plante, W. Philips, A. Sabowrain, I. Wood.

Thirteenth Company.—Captain, Geo. W. Burnett, 1st. Lt. J. R. Bean, 2d Lt. J. R. Payne, Ord. Sgt. Wm. Webb, 1st Duty Sgt. C. J. Payne, 2d Sgt. Franklin Martin, 3d Sgt. Nathan Eatan, 4th Sgt. Solomon Richards. *Privates*,—J. J. Rasson, P. P. Mulkey, Jas. McGinnis, Anderson Smith, J. Peters, S. A. Jackson, A. M. Poe, R. Arthur, J. Reynolds, G. A. Previd, D. Jones, Wm. Boung, B. Grounds, J. Silvester, W. T. Hendrick, L. W. Moore, John Bolt, Geo. W. White, E. Kitchen, J. Luny, C. H. Roundtree, T. Bayley, Wm. McMullen, L. F. Hembree, Peter Lewis, R. Laughlin, D. J. Burnett, M. Martin, J. T. Hembree, W. Stephens, J. Kirkpatrick, E. Marsh, J. H. Caton, A. T. Loyd, J. Cooper, A. Wilks, J. Kelsey, T. Chopson, J. Kitchen, J. Roberts, Wm. Linsey.

The following company was organized at Fort Wascopam, to occupy that place, Feb. 7, 1848. It was composed of men from different companies of the regiment, and was mustered in by Ralph Wilcox, at that time adjutant of the regiment.

Fourteenth Company.—Captain John E. Ross, 1st Lt. D. P. Barnes, 2d Lt. Wm. W. Porter, Ord. Sgt. James Winston, 1st Duty Sgt. R. J. Crandall, 2d Sgt. J. H. McMillen, 3d Sgt. J. R. Payne, 4th Sgt. C. Boles. *Privates,*—H. W. Coe, J. B. Proctor, N. Olney, S. Cummings, A. M. Peak, J. Monroe, Ben Allen, J. Walgamot, Thos. Purvis, H. Karnahan, P. R. Robinson, J. E. Alsop, T. Gregory, Geo. Wesley, J. McCord, J. Fuller, C. Richardson, Sam. Centley, P. Sanders, J. H. Bigler, J. Keeney, H. LeValley, W. Melloway, D. Evarts, J. T. Lassater, H. Davis, J. Parkinson, David Jones.

The following is the last company organized, and was created through the exertion of Lt. Col. Lee, who was also Superintendent of Indian Affairs, to hold Fort Waters until (as it was expected it would be) relieved by regular U. S. troops, supposed to be on their way across the plains.

FORT WATERS, June 7, 1848.

We, the undersigned volunteers in the First Regiment of Oregon Riflemen, hereby obligate ourselves to remain at Fort Waters, and continue in the service of Oregon Territory, until the 15th day of September next, unless sooner removed by recruits or by the troops of the United States, *provided*, fifty men can be obtained to hold the above named fort until the time specified above. In witness whereof we hereunto set our names this 7th day of June, 1848. Election of officers for company commanded by Captain Martin, in command of this post until the 15th of September, unless sooner relieved by authority.

Captain, Wm. Martin, 1st Lt. David Weston, 2d Lt. B. Taylor, Ord. Sgt. M. C. Chambers, 1st Duty Sgt. W. H. Bradford, 2d Sgt. Ruben Shively, 3d Sgt. Ed. Pyburn, 4th Sgt. William Johnson. *Privates.*—Wm. Webb, Jas. Keller, Jas. H. Pearce, Jackson Reynolds, Wm. Tony, A. T. Lloyd, Thomas Shrum, Enoch Wimberly, S. Pently, D. Davis, D. Evertts, R. Evans, S. Bently, J. Sylvester, — Romley, T. Riggs, B. Osburn, G. A. Hartley, W. Wright, C. F. Fullerton, T. Canbe, O. Crum, T.T Mulkey, A. Wilkes, J. Clayton, J. Gand, J. Rucket, J. Neal, H. B. Simpkins, T. Warriner, C. P. Matt, W. Shepard, J. Parkinson, A. Cerilice, J. Foster. J. Kendall, N. A. Pyburn, A. Lovengun, J. McBride, G. H. Matick, J. Davis, Perin B. Whitman, L. C. Richardson, Charles Klum, H. N. Snead, N. Van Toey, in place of Wm. Toney, J. T. Duffield in place of A. Wilkes, C. B. Carr, in place of J. Reynolds.

The following is the first report on the expenses of the war. It will be observed that there are not so many companies as I give the roll of. The reason is that the Captains gave returns of their own companies, but not of the detatched companies that were made as the exigencies of the service required.

ADJUTANT GENERAL'S OFFICE,
OREGON CITY, Dec. 1, 1848.

Report of the amount due the several companies composing the First Regiment Oregon Riflemen, for their services in the war between the Territory of Oregon and the Cayuse Indians:

Company	A, Lawrence Hall,	Captain	$13,917 50
"	B, John W. Owens,	"	11,663 00
"	C, H. J. G. Maxon,	"	25,546 50
"	D, P. F. Thompson,	"	16,213 00
"	E, Levin N. English,	"	3,744 00
"	F, William P. Pugh,	"	6,228 00
"	G, Jas. W. Nesmith,	"	8,134 50
"	H, Geo. W. Burnett,	"	5,080 50
"	I, William Martin,	"	9,487 50
"	J, Thomas McKay,	"	4,543 50
"	K, William Martin,	"	2,926 50
"	L, William Shaw,	"	1,824 00
	Total		$109,311 50

ALBERT E. WILSON,
Assistant Adjutant General.

Report of Commissary and Quartermaster Generals, showing the total amount expended in the Commissary, Quartermaster and Ordnance departments in the war between the Territory of Oregon and the Cayuse Indians:

		Department.	Dr.
Total	amount	cash received	$ 2,885 02
"	"	books and stationery	144 88
"	"	arms and repairs	1,319 60
"	"	Indian agency	20 00
"	"	fort account	136 59
"	"	California expedition	551 70
"	"	ammunition	827 21
"	"	camp equipage	799 58
"	"	transportation	5,220 82
"	"	disc't on gold, loan com.	5 50
"	"	horse account	1,927 00
"	"	interest to D. Waldo	23 [illegible]
"	"	subsistence	14,412 73
"	"	merchandise	4,060 44
"	"	saddlery	1,041 22
"	"	smithrey and saddlery making	732 63
		Total	$34,246 64

		Department	Cr.
Total	am't	cash paid per vouchers	$ 2,811 15
"	"	stationery, private account	1 12
"	"	arms and repairing	854 35
"	"	forage	683 92
"	"	Indian agency	254 18
"	"	medical department	396 07
"	"	cont'gt ex., clerks, rent, etc.	1,139 07
"	"	California expedition	488 82
"	"	ammunition	15 25
"	"	camp equipage sold, on hand	706 00
"	"	horse account	15,444 00
"	"	transportation	437 77
"	"	prem. on cash paid sundries	73 86
"	"	subsistence	2,947 41
"	"	merchandise	4,256 08
"	"	saddlery	1,211 05
"	"	orders on loan com. No. 1 to 267 inclusive	16,127 33
"	"	commissary's due bills	5,301 00
		Total	$53,143 64

There was no date or signature to the above report, but it was endorsed as being sent to Gov. Abernethy, consequently is a true report at that time. Other reports will be presented in the following years as they occur.

TRIAL AND EXECUTION OF THE CAYUSE MURDERERS.

As a fit closing of the war, we give the trial and execution of the Cayuse murderers held at Oregon City, May 21, 1850, which is copied from the *Spectator* published at that time. The trial was not held for two years after the close of the war.

"Information having been received by Gov. Lane, May 2d, that the Cayuse murderers had been apprehended, and awaiting his arrival at The Dalles, he went up and brought them down, and the following are the court proceedings:

District Court of U. S. }
Clackamas Co., O. T. } His honor, Judge O. C. Pratt, presiding.

May 21, 1850.

The grand jury came into court with an indictment against Telokite, Tomahas, (or the murderer), Clokomas, Isiaasheluckas, and Kiama-sumkin. The Indians thus indicted were brought into court, and the indictment was read in their hearing, and its contents made known to them by two interpreters appointed for that purpose. The court assigned K. Pritchett, Esq., Maj. R. B. Reynolds, U. S. A., and Capt. Thos. Claiborne, U. S. A., as counsel for the Indians. Hon. Amory Holbrook, District Attorney of the U. S., on behalf of the people.

The court directed the clerk to furnish the Indians, through their counsel, with a copy of the indictment, and the witnesses names endorsed thereon, together with a list of the petit jury. Also, the court ordered that they have said copies two days before they be required to plead. Court adjourned.

Wednesday, May 22, 1850. Court convened. The counsel in behalf of the Indians appeared and filed a 'plea in bar of jurisdiction' which was verified by the affidavit of counsel. The District Attorney made his replication to the foregoing plea in form. The substance of this plea was that at the time of the massacre, the laws of the United States had not been extended over the Territory of Oregon. The replication to the plea set forth that *all* the territory west of the Mississippi, was by the act of 1844, embraced within and declared to be Indian Territory; and as such, subject to the laws regulating intercourse with the Indians; and the act of 1848, erecting a Territorial Government for Oregon, gave jurisdiction to this court to take cognizance of the offense. His honor, the Judge, gave a labored and very lucid opinion on the whole matter; and ordered the plea overruled. The counsel for the Indians entered their exceptions to this decision. The court demanded of the defendants what further they had to plead. They then made the general issue and plead 'not guilty.' A petition was then presented to the court asking a change of venue to Clark county, on the ground of public excitement in this county. This petition was verified by the affidavit of the counsel for the Indians. Court overruled the application. Two new indictments were handed in against the same persons, one for the murder of Mrs. Whitman, and the other for the murder of Mrs. Saunders; and the same proceedings were had, and orders issued as in the case of the other bill. Court adjourned.

Thursday, May 23. Court covened; prisoners at the bar. Counsel for the Indians asked for a continuance of the case. An affidavit was filed, which being deemed insufficient it was denied by the court. The jury was then impanneled and sworn. Twenty persons having been *peremptorily challenged* by the counsel for the Indians, and two by the District Attorney. The District Attorney then opened the prosecution. Witnesses were called in singly into court and examined.

Mrs. Eliza Hall being sworn stated that she was residing at Dr. Whitman's at the time of the massacre (Nov. 27, 1847). Hearing the reports of many guns, she went to the door of the Mansion house, and saw Telokite strike Dr. Whitman three times with a hatchet,—the blows falling on and about the Doctor's face. They were in the back yard, about six feet from the door. The two houses were about one hundred yards apart and witness saw and recognized Telokite distinctly. Had resided there three months.

Miss Elizabeth Sager, being sworn, testified that she was residing with Dr.

Whitman on the 27th of Nov. 1847, and was then about ten years of age. Saw Dr. Whitman while his wounds were being dressed by Mrs. Hall and Mrs. Whitman, and at the same time Mrs. Whitman was shot. Saw Dr. Whitman next morning dead. Saw Isiaasheluckus attack and shoot Mr. Saunders, and saw Saunders fall where his dead body was found next morning. Saw Clokamas next day with a gun which he pointed at her sister, perhaps jocosely. Had lived at Dr. Whitman's four years. There were many sick and dying. Dr. Whitman gave medicine to the Indians.

Mrs. Lorinda Chapman, being sworn, testified being at Dr. Whitman's on the 27th of Nov. 1847. She was in bed sick above stairs. Heard loud and angry talking in the kitchen, and recognized the speaker's voice distinctly as that of Telokite. Knew his voice from hearing him rehearse for Dr. Whitman. Heard guns and confusion and went down stairs, and there saw Dr. Whitman wounded by a cut across the face. Started in company with Mr. Rogers and Mrs. Whitman, to go to the Mansion house, and at the door Mr. Rogers and Mrs. Whitman were killed. Could not stir with alarm. While standing there, saw the four prisoners at the bar, armed, recollects them distinctly. Did not see Telokite. Dr. Whitman was alive when she left. Saw the Indians rolling his dead body about next morning. There were many sick and Dr. Whitman gave medicine.

Mr. Josiah Osborn, being sworn, testified that he was at Waiilatpu on Nov. 27, 1847, was sick in Dr. Whitman's house. Heard guns and went to the door and saw Mr. Kimble running and wounded, retreated inside and through the window saw Tamahas pursuing Mr. Saunders. While under the floor with his family, heard murder going on. Dr. Whitman gave some medicine to both whites and Indians. Mansion house door was three feet high from the ground. The Indians knew the whites died as well as themselves. Dr. W., was anxious as to his safety, and spoke of it particularly in 1845. Does not know whether the Doctor anticipated immediate danger.

District Attorney here said he would call no more witnesses except to rebut testimony in the defense.

Dr. John McLoughlin, being sworn, testified that he had warned Dr. Whitman of danger in 1840 and 1841, as the Indians did kill their own medicine men.

Stickus (a Cayuse Indian), called and through two interpreters, testified that Dr. Whitman left his lodge on the Umatilla the day before the massacre to go home, and after the Doctor was on his horse, he told him to be careful for the bad Indians would kill him. The Doctor thanked him and left. Tomsukee told Stickus that they were going to kill Dr. Whitman.

Rev. H. H. Spalding, was sworn, testified that he was at Stickus's lodge with Dr. Whitman and had similar warnings, and the next day after the massacre became so fearful that he determined to go home to the Nez Perce country.

Here the testimony closed, and after the addresses by the attorneys the court adjourned.

Friday, May 24. Court convened. The Judge then gave his charge to the jury which was full and clear, both in reference to the law and testimony, occupying one hour and ten minutes. The jury retired, and after an absence of one hour and fifteen minutes, returned a verdict, that they were guilty as charged. Counsel for the Indians moved the court in arrest of judgment—overruled. A new trial was moved—overruled. The court after recess, sentenced them to be executed by hanging on June 3, 1850.

These Indians made the following confessions a short time afterwards and before the execution ; Telokite said he did strike Dr. Whitman with his hatchet (tomahawk) as testified to by Mrs. Hall. Tomohas, or The Murderer, admitted that he shot Doctor Whitman. Isiaasheluckas, confessed to have shot Mrs. Whitman ; and Clockamas the smallest of the five admits that he assisted in dispatching young Sager. Kiamasumkin says he was present, but took no part in the massacre.

A few days after the sentence of death was passed upon these Indian murderers, Gov. Lane signed the death warrant, and handed it to U. S. Marshal, Joseph L. Meek. Lane then resigned his office, which left the Secretary of the Territory, Mr. K. Prichett (one of the Indian's counsels) as acting Governor. Mr. Prichett commenced talking about reprieving them, but Meek informed him that he had the warrant and would execute them as sure as the day came around. This firm stand put a stop to any further action in that direction. But there was some uneasiness felt that the Indians might attempt to rescue them on the day of execution, and hundreds of the settlers came armed, but left their guns at convenient places, and appeared unarmed in the streets, so as not to create any suspicion of the state of affairs. The execution passed off without any demonstration whatever, and thus closed the last act of the Cayuse war. The fate of the principal instigator of that bloody massacre, Joe Lewis, is still wrapped in mystery, and probably will never be known, but that he met the fate he so richly deserved is more than likely.

Mr. Burns on behalf of the Loan Commission submitted the following report :

LOAN COMMISSIONER'S REPORT.

To the Honorable Legislative Assembly of Oregon Territory:

GENTLEMEN. I present you with a schedule of our transactions as Loan Commissioners for the Territory. In accordance with our duties as Loan Commissioners, we have paid over with the exception of $42.07, all moneys and available means to the Commissary General, for which we have vouchers, with an account of which you are now presented. It will be found upon examination that we issued more bonds than we have vouchers, to meet which discrepancy we have a draft for $500 on Hamilton Campbell. Aggregate amount of bonds issued, $14,761.75 ; aggregate amount of vouchers for Commissary General, $14,334.95 ; leaving a balance of $416.80. To meet the above, we have balanced in Geo. Abernethy's books to our credit, $42.07 ; Rev. Wm. Roberts draft on H. Campbell, $500, leaving a balance in our favor of $125.27. The $500 draft above alluded to is a draft drawn by the Rev. Wm. Roberts on H. Campbell, to the order of the Loan Commissioners. W. H. Willson, one of the Board took charge of the draft to present to Campbell. The order or draft was presented, but for what cause I am unable to state to your honorable body, neither property or money came into our hands as payment; but I think it was delivered over to the Commissary General by Mr. Campbell.

On the 28th of March last, the Commissary General told me that when he was at The Dalles, it became necessary for him to take wagons and oxen, the property of Phelaster and Philemon Lee, to the amount of $250. I consented to give bonds to the amount, and did so, but in a few days I was called upon to give bonds for a very large amount. I refused to execute bonds to them until I could see the other two commissioners, and when we met together it was thought best not to give any more.

There is another matter I wish to explain. When I commenced to collect funds, I was not able to obtain any money, except orders on the stores in Oregon City. In consequence of this, it was impossible for the Commissary General to obtain articles for use of the army. He told me he could not get axes and spades, and these articles were very much needed to make roads for wagons to pass up the Columbia river. Philip Foster had subscribed $50, to be paid on the stores, and John B. Price $25, to be paid also on stores. These gentlemen told me if I would give them twenty-five per cent. premium, they would let me have cash, I told them I would do so. Mr. Foster gave me $37.50 and I gave him a bond of $50; Mr. Price gave me $18.75, and I gave him a bond for $25. This I did for the best, but should your honorable body think otherwise, I am ready to pay this Government, out of my own funds the amount of premium that I found at that time necessary. The Commissary General or his agent, A. J. Hembree, obtained a loan of $196.50, from Thos. Justins, for which they agreed to get him a bond for $216.35. I at first refused to give the bond for the amount, but the Commissary General being very much in need of cash, upon consideration, sooner than the money should be returned, I executed the bond for the amount.

All bonds issued by us bear interest at the rate of ten per cent. per annum, and are signed by the Governor and countersigned by the Secretary of this Territory. All books and papers belonging are hereby transmitted for your examination. Owing to the resignation of Gen. A. L. Lovejoy, as one of the commissioners and the absence of W. H. Willson, this document will appear with but one signature.

HUGH BURNS,
Commissioner.

Oregon City, Feb. 8, 1849.

General Election Returns for 1847.

Candidates.	Clackamas.	Champooick	Lewis	Clatsop	Vancouver.	Polk	Tualatin	Yamhill	Total
For Governor.—									
George Abernethy	134	73	61	19	40	10	122	77	536
A. L. Lovejoy	111	206	2	20	9	33	65	74	530
A. Huested	4	5				1		1	11
Scattering			3			3		1	7
Total vote cast	249	284	66	39	49	47	187	153	1074
For Legislative Representatives.									
S. McSwain	69								69
M. Crawford	99								99
S. S. White	73								73
S. Chase	43								43
J. M. Wair	74								74
John Fleming	36								36
P. G. Stewart	56								56
Hiram Straight	44								44
H. Johnson	57								57
S. Plamando			67						67
Robert Newell		240							140
A. Chamberlain		246							246
W. H. Rees		252							252
W. H. Rector		179							179
Anderson Cox		229							229
— Peterson		29							29
J. S. Smith		62							62
W. H. Burns		20							20
L. A. Rice								140	140
A. J. Hembree								85	85
J. Davidson								24	24
Lewis Rogers								97	97
P. Armstrong								2	2
C B. Hewley								25	25
A. D. Smith								43	43
H. W. Peers					39				39
J. W. Nesmith						38			38
N. A. Ford						32			32
W. St. Clare						23			23
J. D. Boon						21			22
P. O'Riely						3			3
J. L. Meek							123		123
R. Wilcox							128		128
David Hill							102		102
County Officers.—									
Sheriff.—									
A. M. Roe			35						35
Wm. Ryan					89				89
F. Nichols						31			31
J. Kendall						3			3
Treasurer.—									
John H. Couch	194								194
Daniel Waldo		207							207
W. P. Hughes		40							40
Isadore Bernier			35						35
A. L. Lewis					38				38
N. Ford						8			8
A. Harvey								85	85
Clerk.—									
R. Covington					36				36
Assessor.—									
E. B. Crawford	190								190
M. Buck			40						40
A. J. Moore			29						29
J. B. McClaine		47							47
S. C. Morris		181							181
S. Staggs								40	40
C. Ish								21	21
H. Hill								7	7
J. B. Rogers								40	40
T. Liggett						3			3
County Justices.—									
Morgan Keys		250							250
J. M. Garrison		16							16

Auditor's Report.

TREASURY DEPARTMENT, AUDITOR'S OFFICE,
OREGON CITY, Dec. 7, 1847.

Whole amount of warrants drawn upon Treasury, $3,242.08.

	Amount Approprt'd	Amount Expended.	Am't unexpended.
For the relief of Fredrick Prigg	$ 27 88	$ 27 88	
" " A. L. Lovejoy	34 25	34 25	
" " J. W. Nesmith	60 00	60 00	
" " estate of J. E. Long	150 00	150 00	
" " S. W. Moss	100 00	100 00	
" " postoffice department	116 00	116 00	
" " Hudson's Bay Company	140 94	--------	140 94
To pay of unpaid officers of the last quarter	494 82	--------	494 82
" " legislature of Dec. 19, 1846	1,000 00	888 60	111 40
" " judiciary department	1,500 00	987 75	512 25
" " executive department	300 00	300 00	
" " Indian department	200 00	150 00	50 00
" " contingent	100 00	41 19	58 81
" " H. M. Knighton	32 12	32 12	
Special account of amount due Andrew Hembree	226 75	226 75	
Amount drawn under appropriation of Dec. 1846, to which add the amount drawn on the different balances of appropriations as per Treasurer's report of quarter ending Dec. 1846, to-wit:			
For pay of legislature	25 00	24 60	40
" juries	54 90	9 34	45 56
Contingent expenses	43 79	--------	43 79
Expenses of supreme and criminal courts	80 00	10 95	69 05
Circuit attorney	136 13	33 65	102 48
Superintendent of Indian Affairs	50 00	50 00	
		Dr.	Cr.
Am't of vouchers drawn from No. 1 to No. 50, inclusive	--------		3,243 08
LIABILITIES.			
The following is exhibit in Treasurer's report Dec. 9, 1846			
Amount due Hudson's Bay Company at Oregon City	--------	140 94	
" collected of estate of Ewing Young	--------	2,815 00	
" of scrip outstanding	--------	1,475 92	
Amount	--------	4,431 86	
ASSETS.			
Following are items of assets as exhibited in the Treasurer's report of Dec. 9, 1846, to-wit:			
Amount due by Geo. Abernethy & Co., per account			81 54
" " John H. Couch			16 92
" " F. W. Pettygrove			11 27
" " Hudson's Bay Co. (Vancouver.)			16 42
Amount			126 15
Am't of assessment of Territorial revenue Clackamas county for 1847 as per county clerk's report, Nov. 1847			714 10
Amount of assets			840 25
RECAPITULATION.			
Amount of liabilities per Trea's report qrt'r ending Dec. 1846.	--------	4,431 86	
For warrants drawn for fiscal year	--------	3,243 94	
Total	--------	7,674 94	

(Signed) G. W. BELL.

Treasurer's Report.

	DR.	CR.
Amount of scrip issued by former Treasurer	$7,752 12	$
" " " myself	1,151 07	
Making gross amount issued	8,903 19	
From which amount redeemed by former treasurer	--------	4,328 83
Amount redeemed by myself	--------	450 90
Making gross amount redeemed		
Leaving the amount of outstanding scrip-	--------	4,779 73
From which take amount of funds in treasury	4,123 46	
	43 72	
Which leaves amount of liabilities unprovided for	4,079 74	
The amount of $1,151.07 issued by me was as follows:		
For auditor's drafts		
For ten per cent. on $157.22 paid by R. E. Wiley.	550 00	
Amount issued in making change	15 71	
Amount issued to Clackamas county for error of former treasurer	185 36	
	400 00	
Making in all		
The amount received of former treasurer	1,151 07	
" " " absentee tax collected	38 63	
" " " license collected	60 00	
" " scrip issued	70 00	
" received of R. E. Wiley, sheriff Tualatin county	1,151 07	
	157 22	
Amounting in all to		
Amount on deposit at George Abernethy	1,476 92	
" " Hudson's Bay Company	--------	28 63
" " Kilburn & Company	--------	10 00
Interest paid	--------	5 00
Scrip redeemed	--------	16 59
Ten per cent. paid R. E. Wiley on $157.22	--------	450 90
Auditor's draft.	--------	15 70
Amount paid Clackamas county, error in license.	--------	550 00
	--------	400 00
Total	--------	1,476 92

In addition to the foregoing, and as a part of the same, I beg leave to submit the former treasurer's report. (Signed.)

Oregon City, Dec. 9, 1847.

W. K. KILBURN.
By N. SMITH, *Dep. Tras.*

Treasurer of Oregon Territory to Sundries.

	DR.	CR.
To balance		
To license collected	$ 39 53	$
To taxes, sheriff Holmes Clackamas county	515 00	
" " Martin, Champooic county	115 00	
" " Baker, Yamhill county	133 25	
" " Mulkey, Tualatin county	20 00	
" " Wiley, Tualatin county	27 75	
" " Jackson, Vancouver county	120 14	
" " Jackson, Lewis county	165 26	
To absentee taxes collected,	110 89	
To scrip issued	345 00	
	2,912 42	
Total		
SUNDRIES TO TREASURER DR.		
By scrip paid	4,504 42	4,504 42
To auditor's draft (on file)	1,377 61	
To paid estate of Le Breton	2,693 08	
" Hudson's Bay Co., (Falls) their account	7 29	
" interest on scrip	140 94	
" treasurer's (bill on file)	43 26	
To balance (funds on hand)	203 66	
	38 63	
Total	4,504 47	4,504 47

(Signed.)

Oregon City, Oct. 15, 1847.

JOHN H. COUCH.
per JOHN P. BROOKS.

1848.

PRESIDENT'S SPECIAL MESSAGE ON OREGON AND THE INDIAN WAR; PASSAGE OF OREGON BILL; PRESIDENT'S MESSAGE ON THE SUBJECT; OFFICERS OF PROVISIONAL GOVERNMENT; MEETING OF THE LEGISLATURE; GOVERNOR'S MESSAGE; ELECTION OF TERRITORIAL OFFICERS; DISCOVERY OF GOLD IN CALIFORNIA: POETICAL DESCRIPTION OF THE RUSH TO THE MINES; OREGON MINT; CUTS OF THE "BEAVER MONEY;" NOTES; ELECTION AND OFFICIAL RETURNS.

THE year of 1848 was not ushered in by ringing of bells, salutes of artillery or shouts of joy by the people of Oregon. Instead of the greetings of peace and good will to all, the alarm of war was sounded on all sides. It was known that all the Indian tribes dwelling on the east side of the Cascade mountains were either in open hostility or sympathized with the Cayuses, restrained only through fear caused by the bold and energetic action of the small army which was invading their country to punish the Cayuse tribe for the murder at Whitman, or Waiilatpu station. In the Willamette valley the Indians had heard of the war, and in some portions of it there was some trouble, with strong indications of more, which was somewhat retarded by the breaking out of the measles, a disease not necessarily fatal, but made so by the Indian mode of treatment, as described in note on page 318. Whole villages were swept away, and the death-song could be heard from early morn till late at night, as they saw their people perishing from the face of the earth. The season had been mild; the sun shone warmly and brightly overhead; the snows of winter scarcely whitened the valley; the earth was robed in spring-time verdure and bespangled with wild flowers; Nature looked bright and cheerful. But how was it with the people of Oregon? Their condition was not such that they could enjoy the smiles of nature. The American portion of the settlers seemed to be the only class proscribed by their surrounding foes. The other portion, the English (King George's men), in more than one sense of the word as strong as the Americans, could traverse the country without hindrance or molestation. They were thought by a great many to look on with indifference, even if they did not covertly render the Indians assistance. The boundary question had been settled a year or more, still the mother government had not recognized or offered to relieve or defend her far-off infant colony on the Pacific coast. The cry had gone forth again and again, but was still unheard. Congress had "nigger on the brain" and could not spare the time to assist her oppressed colony. Thus left to her fate, without numerical strength, inadequately supplied with arms and munitions of war, lacking in transportation facilities, food, and everything else except courage and indomitable will, they carried on a war to a successful issue, as has been shown in the previous chapter.

As the different memorials which had been sent to congress previously from year to year seemed to have had no effect, a meeting was held in Yamhill county to discuss the propriety of electing a delegate to go to Washington to urge the organization of a territorial government, as the boundary question had been settled; but it was found that there would not be sufficient time to issue notice for an election for a delegate to take the journey on the only ship that would soon sail on which passage could be secured,. and it was impracticable for any one to cross the continent at that season of the year. Then there was no law authorizing the election of a delegate, and the subject was dropped. As stated on page 300, Hon. J. Quinn Thornton went to Washington, and on May 25, 1848, handed to Senator Benton a memorial that he had drawn up. It was quite long, and valuable for the information it contained, but space denies me the pleasure of reproducing it. The reader can, however, find it published in full in the Pioneer Proceedings. Mr. Thornton also drafted the Oregon land law, as well as the act organizing the territorial government. These were both amended, and the land law did not pass congress until the next year. The introduction of the bill to organize the territory of Oregon was the signal for the Southern members to bring forth and harp upon the slavery question, and the bitterness and narrow-mindedness that had always been displayed by these sectional partisans in regard to the boundary treaty was now renewed and enlarged upon, although the Missouri compromise, that had been adopted March 6, 1820, stated that in all the territory lying north of 36°30′ north latitude slavery should be prohibited, and Mr. Calhoun and several other Southern senators voted for the measure. The great stumbling block was the section in the organic law of the provisional government declaring against slavery, founded on the ordinance of 1787, and the same sentiment copied into the territorial organization bill.

Mr. Thornton, who was present in Washington at that time, says:

> At every session of congress since the treaty of June 15, 1846, it has had before it one or more bills having for their object the establishment of a territorial government in Oregon. But there being no one in Washington specially charged with the duty of representing the interests of Oregon, the pro-slavery element, which has always dominated congress and controlled the government in all its departments, continued from session to session to obstruct any action favorable to Oregon; and this was the policy the leading statesmen of the South had adopted as their guide. In giving shape to their action it became necessary to provide governments for the inhabitants of two territories, when at least one of them should have slavery as a counterpoise to freedom in the other. Any one who will thoughtfully read the debates on the Oregon bill, as reported in the supplement to the Congressional Globe, will rise from that reading impressed with the conviction that the great battle which really settled the future of American slavery was during the first session of the Thirtieth Congress on the field of the Oregon bill.

February 9, 1848, Mr. Smith, of Indiana, from the committee on territories, introduced a bill to organize a territorial government in Oregon, which immediately met with vindictive hostility from most of the Southern members, among whom was Mr. Gayle, of Alabama, who in a very long speech objected to it in every respect, and especially to the section that prohibited slavery, founded on the wishes of the people, as evinced by the organic law of the provisional government. But he was met by men of equal earnestness on the other side, especially Mr. Ewart, of Maine, who championed the bill with great ability.

It is hard to tell what would have been the fate of the bill if it had not been for the timely arrival of Mr Joseph L. Meek, the messenger from Oregon, and the sending of a special message to congress by the president, thus showing the absolute necessity of immediate action—*i. e.*, as fast as that body could be moved. The message is as follows:

> *To the Senate and House of Representatives of the United States:*
>
> I lay before congress the accompanying memorial and papers, which have been transmitted to me by a special messenger employed by the Governor and "Legislative Assembly of Oregon Territory," who constitute the temporary government which the inhabitants of that distant region of our country have, from the necessity of their condition, organized for themselves. The memorialists are citizens of the United States. They express ardent attachment for their native land, and, in their perilous and distressed situation, they earnestly invoke the aid and protection of their government. They represent that "the proud and powerful tribes of Indians" residing in their vicinity have recently raised "the war-whoop and crimsoned their tomahawks in the blood of their citizens"; that they apprehend that "many of the powerful tribes inhabiting the upper valley of the Columbia have formed an alliance for the purpose of carrying on hostilities against their settlements"; that the "number of the white population is far inferior to that of the savages; that they are deficient in arms and money, and that they do not possess strength to repel the attack of so formidable a foe and protect their families and property from violence and rapine." They conclude their appeal to

the government of the United States for relief by declaring: "If it be at all the intention of our honored parent to spread her guardian wing over her sons and daughters in Oregon, she surely will not refuse to do it now, when they are struggling with all the ills of a weak and temporary government, and when perils are daily thickening around them and preparing to burst upon their heads. When the ensuing summer's sun shall have dispelled the snow from the mountains, we shall look with glowing hope and restless anxiety for the coming of your laws and your arms."

In my message of the fifth of August, 1846, communicating "a copy of the convention of the Oregon boundary," I recommended to Congress that provisions should be made by law at the earliest practicable period for the organization of a Territorial Government in Oregon." In my annual message of December, 1846, and again in December, 1847, that recommendation was repeated. The population of Oregon is believed to exceed 12,000 souls, and it is known that it will be increased by a large number of emigrants during the present season. The facts set forth in the accompanying memorial and papers show that the dangers to which our fellow-citizens are exposed are so imminent that I deem it to be my duty again to impress on Congress the strong claim which the inhabitants of that distant country have to the benefits of our laws and the protection of our government. I therefore again invite the attention of Congress to the subject, and recommend that laws be promptly passed establishing a Territorial Government, and granting authority to raise an adequate volunteer force for the defense and protection of its inhabitants. It is believed that a regiment of mounted men, with such additional force as may be raised in Oregon, will be sufficient to afford the required protection. It is recommended that the forces raised for this purpose should be engaged to serve twelve months, unless sooner discharged. No doubt is entertained, with proper incucements in land bounties, such a force can be raised in a short time. Upon the expiration of their services many of them will doubtless desire to remain in the country and settle upon the land which they may receive as bounty.

It is deemed important that provisions be made for the appointment of a suitable number of Indian agents to reside among the various tribes in Oregon, and that appropriations be made to enable them to treat with the tribes, with a view to restore and preserve peace between them and the white inhabitants. Should the laws recommended be promptly passed, the measures for their execution may be completed during the present season, and before the severity of winter will interpose obstacles in crossing the Rocky mountains. If not promptly passed, a delay of another year will be the consequence, and may prove disastrous to the white settlements in Oregon.

JAMES K. POLK.

WASHINGTON, May 29, 1848.

After the bill passed the House it was sent to the Senate. In the meantime the Senate committee on territories had reported a bill and were discussing the same with a great deal of heat on the section in regard to slavery, the South claiming congress had no right to legislate slavery out of the territory, which could only be settled by the people themselves when they organized a state government. The Northern members claimed that the ordinance of 1787 and the Missouri compromise of 1820 had settled the question, and congress could not legislate slavery into any territory north of 36°30′ without repealing the compromise, and that if a master carried a slave into that territory he would become free. During the debate Mr. Jefferson Davis offered the following, to go at the close of the bill:

> *Resolved*, That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said territory while it remains in the condition of a territory of the United States.

Mr. Hale, of New Hampshire, then said he thought the proper course would be to take the question on the amendment that he had offered and withdrawn, and said he would move it when the bill again came up. The following is the amendment:

> That the inhabitants of said territory shall be entitled to enjoy all and singular the rights, privileges and advantages granted and secured to the people of the territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said territory on the 13th day of July, 1787; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact, imposed upon said people of said territory; and the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, and shall continue to be valid and operative therein, so far as the same is not incompatible with the principles and provisions of this act; subject, nevertheless, to be altered, modified or repealed by the Governor or Legislative Assembly of the said Territory of Oregon; and the laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provisions thereof, may be applicable.

When the bill came up for consideration again Mr. Bright, of Indiana, offered the following amendment to section twelve. This amendment was bottomed on the Missouri compromise.

> *And be it further enacted*, That in all the territories owned by the United States, including Oregon, New Mexico and Upper California, which lie north of 36°30′ north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited; *provided always*, that any person escaping into the same, whose labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor as aforesaid.

Mr. Calhoun made a vigorous protest against both of the above resolutions, and especially against the latter. Among other remarks he said:

> He admitted that congress had power. Whence was it acquired? It appertains to the power of acquiring territory. It is involved in, embraced in, the power of acquisition. That we have the power of acquiring territory he admitted. It belonged to the war power. If any citizen differed with him as to the origin of the power it was of no consequence. But it is the sole power in the territories. It is not an absolute power. It does not follow that absolute power is exclusive

power, therefore exclusive power is not absolute power. The power of congress is not absolute in the territories. It is limited. We are trustees to administer the benefits of government to the territories. All trust powers are limited by the nature and object of the trust. To whom does the property belong? To the United States. Who are the United States? The States in their sovereign and independent character. There is no right in the government of the United States to make a discrimination between the citizens of one State and those of another."

Mr. Underwood, of Kentucky, proposed to add the following to Bright's amendment:

"*Provided further*, That the citizens of the United States emigrating with their slaves, into any of the Territories of the United States south of said parallel of latitude, shall be protected in their property in their slaves so long as the Territory to which they immigrate continues under a Territorial government."

The discussion grew warmer every succeeding day, and it became apparent that it was determined to settle the question, if possible, permanently. Mr. Mason said:

"The people of Oregon had undertaken to pass laws purely conventional and without authority, among which is the law prohibiting involuntary servitude in the Territory, or in other words prohibiting the introduction of slavery into that Territory. It becomes us to uncover and defeat it. Our object should be to defeat the recommendation of the committee. The ordinance of 1787 was a compact formed between the United States Government and the people in possession of the Northwest Territory, before the Constitution was formed. The history of the ordinance is shrouded in secrecy as the journals were never made public. * * * The first slaves were brought to Virginia in 1620 by a Dutch vessel, and were sold as merchandise; and this was done with the knowledge and consent of the British crown. This proves that it requires no special legislation to institute slavery, but it must require a special law to abolish it. There was no law originating under the present Constitution, until 1820, which interfered with the right of the owner of a slave to carry his property with him into any State of the Union. Congress has never undertaken anything more than to regulate the subject in the admission of any new Territory."

Mr. Jefferson Davis said:

"As to the introduction of slavery into Oregon, no southern Senator had ever asked it. The fact that the slave is property, which its owner may carry with him into any part of the Union, was what they were desirous of seeing recognized. He spoke depreciatingly of the persons who had assumed in Oregon the right to make laws for the Territory, contending that they were without qualifications for the task. They were far inferior in intelligence, in morals, and in personal wealth, to the population lying south of the Oregon boundary. * * * But if nothing would satisfy the North short of the destruction of this institution, then was the time for dissolution come; but let us separate peacefully, and with good feelings towards each other. Let not the battlefields of our country be stained with the blood of brother fighting against brother."

Mr. Clayton, of Delaware, said as it seemed to be impossible for the

Northern and Southern Senators to agree, he proposed and moved that the subject be recommitted to a committee of eight members to be appointed by ballot, four to be selected from the North and four from the South, and if nothing can be effected after the committee reported at this session, to transact the ordinary business and go home.

The next day the resolution was adopted and the following were chosen: Mr. Clayton, of Delaware, chairman, Bright, of Indiana, Calhoun, of South Carolina, Clark, of Rhode Island, Atchison, of Missouri, Phelps, of Virginia, Dickinson, of New York, Underwood, of Kentucky. Five days afterwards the committee presented a bill as a select committee on Territories to organize the territories of Oregon, California, and New Mexico, and contained thirty-six sections, the first twenty to Oregon alone. Mr. Clayton said that the committee had worked hard and endeavored to be as harmonious as possible:

> "The 12th section in the bill reported, is similar to that reported by the former committee on Territories with some slight modification. The second rendered valid the laws now in force in Oregon, subject to change by the legislative body of the Territory, if not incompatible with the Constitution of the United States. Oregon to send one Delegate to Congress. Such power is not conferred on New Mexico and California. In the committee all other modes of compromise entirely failed. The compromise line of 36° 30′ was voted down in committee, in every form it could be offered. To show how this line would have operated, he referred to a return from the Commissioner of the General Land office, giving the superficies of the new States and Territories. Lying north of latitude 36° 30′, there are 1,599,240 square miles, or 1,023,515,080 acres; south of latitude 36° 30′, there is only 262,729 square miles, 168,146,560 acres; so that the territory north of the line will be four times as much as the territory south of it. ' Some members proposed as a basis the compromise line of 36° 30′; but it was opposed. He felt himself standing between North and South, and standing ready to conciliate between both. The area about as large as that of one-third of all Europe, and capable of sustaining, sooner or later, the population of a mighty empire."
>
> Mr. Miller, of New Jersey, stated his objections to the triple alliance with the two new Territories. "These new Territories were scarcely a month old with the Territory of Oregon. Oregon was a native born Territory, and why was she in outset brought into such connection? He understood the character of the people of Oregon, who were mostly emigrants from our own States, but he did not know the character of the people of California and New Mexico. He was prepared to give assent to a government for the former, but not prepared to give a government to the others. * * * There was a sort of an understanding that Texas and Oregon should be admitted together—Oregon as a free, Texas as a slave State. Texas was admitted, and Oregon was kept knocking at our doors until arrangements could be matured for admitting her on the same footing."

After several days debate, the bill passed the Senate July 27th after a continuous session of twenty-one hours. The House very promptly laid the bill on the table by a vote of 112 to 97, and there it died.

The House bill was received in the Senate, August 3, 1848, and after some discussion, Mr. Badger, of North Carolina, moved that the bill be indefinitely postponed, and a vote being taken resulted, yeas 1, nays 47. It was then referred to the committee on Territories. Mr. Douglas reported the bill back to the Senate, and it was immediately met with the usual hostility, especially in regard to the slavery section. Mr. Butler, of South Carolina, said:

> "That the establishment of governments in the Territories of California and New Mexico, ought to have been embraced in this Oregon bill. He disapproved of this policy of giving special protection to the Territories north of the Missouri line of compromise, and giving to the North all that valuable portion of the Union. * * * He would tell the Senate that his advice to the constituents would be to go to these new Territories with arms in their hands, to go as armed communities, and take possession of the lands which they had helped to acquire, and see who would attempt to dispossess them. Would the military force of the United States shoot down the plowman at his plow? So help him God, he would so advise his constituents, to take with them their property there, and settle at all hazards."

Mr. Calhoun was the acknowledged leader of the Southern Senators, the keenest and most subtle, and looked to for their policy of action. Speaking of the dissolution of the Union, he said:

> "He believed, if the great struggle should come, the calamity will not fall the heaviest on the South. In the North, the divisions were so numerous as to keep the people distracted and disunited. While in the South all were united. He admitted that the South was poor in comparison with the North; but if slavery had impoverished the South, had it impoverished the North? Slavery had benefitted all mankind—all countries but the South. Slavery like the waters of the Nile, had spread its fertilizing influences over all the world. It had benefitted all but the Southern planter, who had been the tutor, the friend, as well as the master of the slave, and had raised him up to civilization. And the South had made great concessions to the North for the purpose of cementing the Union."

Mr. Webster, of Massachusetts, said:

> "He only spoke for himself, he did not speak for the North. He did not know what the North is, or where the North is. He had been among the earliest to oppose the acquisition of foreign territory. He was not apprehensive of disunion. He never contemplated its possibilities. He was not one of those who accustomed themselves to speak of such a contingency. He believed there was a disposition everywhere to support the Union, and that five out of six of our citizens would be glad to give back the new Territories we had acquired."

Mr. Foote, moved that the bill be laid on the table. yeas, 15, nays, 36. Various amendments were offered: some withdrawn and others voted down, and the debate became very general, and finally passed at 12 o'clock, midnight, Aug. 10th, 1848, and the next day was brought up in the House for concurrence to the Senate's amendments, in which the House voted down every amendment proposed by the Senate, and that body was so informed. When the bill again came up in the Senate, Mr. Benton moved that the Senate recede from its amendments. Mr. Mason moved that the bill and amendments lay on the table, yeas, 18, nays, 32. Mr. Benton renewed his motion to recede and said:

> "From the first he had been opposed to clogging Oregon with California. He wished to see Oregon go through herself. When the subject was referred to a select committee of eight, a bill had been brought in, constructed for the purpose of conciliating difference of feelings. He had not approved of that bill; but he had always determined to vote for it. He had not impeded its progress by interposing a single word. He gave his vote for it, while he disapproved of it at the same time. Then there came up the adjustment on the parallel line of 36° 30′. He was extremely reluctant to vote for that measure. Oregon was 400 miles distant from the nearest, and nearly a 1,000 miles from the remotest point of California; and there was no rule which applied equally to both. Still he had voted for that bill, in order to put an end to the question; and on similar grounds he had given his vote for the Oregon bill. That bill had been sent to the House, and had been returned from the House with the Missouri Compromise stricken out. He thought he had done enough to secure concilation and compromise, he had done enough when he consented to attach California to Oregon. Oregon was now in a deplorable condition. A few years ago we were ready to fight all the world to get possession of her; and now we were just as willing to throw her away as we were then to risk everything for her possession. She is left without a government, without laws, while at this moment she is engaged in a war with the Indians. There were 12,000 or 15,000 persons settled there who had claims on our protection. She was 3,000 miles from the metropolitan seat of government. And yet although she had set up a provisional government for herself, and this provisional government had taken on itself the enactment of laws, it is left to the will of every individual to determine for himself whether he will obey those laws or not. She has now reached a point beyond which she can exist no longer. She can work along no further. The war hereafter will not be between whites and Indians; it will be a conflict between whites and whites. It will become necessary that every dispute shall be settled by a resort to arms. Can this Senate satisfy itself that it will have performed its duty, while it sits with folded arms, and declines to do anything? It is a duty, solemn obligation, enforced by the awful solemnity of our oaths, which we cannot avoid without a violation of that duty. He held it to be our bounden duty to provide a government for Oregon; and he would not, so far as he was able, permit the bill to establish that government, by putting a weight of extraneous matter on it, to sink it down. Florida had been permitted to come into the Union, notwithstanding the slavery question. He had been taunted in debate with having relaxed his zeal for Oregon at one time, and increasing it at this time. For thirty years he had urged the claims of Oregon, and with equal zeal he urged them now. He reminded the Senate of a letter which he wrote a year and a half ago, in which he had treated of the scheme formed for keeping Oregon out of the Union.

This motion of Mr. Benton's was violently opposed by Calhoun, Barrien, Mason, Butler and Turney, while Senator Houston warmly supported it. Senator Foote stated he could speak two entire days and nights without any great inconvenience to himself. The debate was continued until after 9 o'clock A. M., Sunday morning, and was closed with a speech by Mr. Foote, and a vote being taken after all the amendments were receded from, the bill passed as a law at 9.30, A.M. August 13, 1848, and Senator Benton went home that morning proudly conscious that he had accomplished one of the greatest acts of his life, in having Oregon, whose interests he had guarded for years, organized as a Territory. The enemies of Oregon had one more chance to defeat the bill —or rather prevent it from becoming a law, and that was the passing of a resolution authorizing the suspension of the 17th joint rule which forbids bills being presented to the President on the last day of the session, so as to permit the Oregon bill and all other bills which had passed or might pass, to be sent to the President. This rule was suspended in the House and the Senate immediately informed of the action and their concurrence asked. Mr. Miller, of New Jersey, had submitted the same resolution in the Senate, and whilst in the midst of a heated debate, the notification was received from the House. The next move was to "strike out the Oregon bill," but it was voted down amidst considerable wrangling, and at 10:30 o'clock the resolution was adopted and the Southern members were defeated.

The President sent the following special message to the House approving the bill which was read only a short time before it adjourned.

THE PRESIDENT'S SPECIAL MESSAGE.

To the House of Representatives of the United States:

When the President has given his official sanction to a bill which has passed Congress, usage requires that he shall notify the house in which it originated of that fact. The mode of giving this notification has been by an oral message delivered by his private secretary. Having this day approved and signed an act entitled "An Act to establish the Territorial Government of Oregon," I deem it proper, under the existing circumstances to communicate the fact in a more solemn form.

The deeply interesting and protracted discussions which have taken place in both Houses of Congress, and the absorbing interest which the subject has excited throughout the country, justify, in my judgment, this departure from the form of notice observed in other cases.

In this communication with a co-ordinate branch of the Government, made proper by the considerations referred to, I frankly and without reserve, express the reasons which have constrained me not to withhold my signature from the bill to establish a government over Oregon, even though the two Territories of New Mexico and California are to be left, for the present, without governments. None doubt that it is proper to establish a government in Oregon. Indeed it has been too long delayed. I have made repeated recommendations to Congress to this effect. The petitions of the people of that distant region have been presented to the government, and ought not to be disregarded. To give to them a regularly organized government and the protection of our laws, which as citizens of the United States they claim, is a high duty on our part, and one which we are bound to perform, unless there be controlling reasons to prevent it.

In the progress of all governments, questions of such transcendent importance occasionally arise, as to cast in the shade all those of a mere party character. But one such question can now be agitated in this country; and this may endanger our glorious Union, the source of our greatness and all our political blessings. This question is slavery. With the slaveholding States this does not embrace merely the rights of property, however valuable; but it ascends far higher, and involves the domestic peace and security of every family. The fathers of the Constitution—the wise and patriotic men who laid the foundation of our institutions—foreseeing the danger from this quarter, acted in a spirit of compromise and mutual concession on this dangerous and delicate subject; and their wisdom ought to be the guide of their successors. Whilst they left to the States exclusively the question of domestic slavery within their respective limits, they provided that slaves who might escape into other States not recognizing the institution of slavery, shall be delivered up on the claim of the party to whom such service or labor may be due. Upon this foundation the matter rested until the Missouri question arose. In December, 1819, application was made to Congress by the people of Missouri Territory for admission into the Union as a State. The discussion upon the subject in Congress involved the question of slavery, and was prosecuted with such violence as to produce excitement alarming to every patriot in the Union. But the good genius of conciliation which presided at the birth of our institutions finally prevailed and the Missouri Compromise was adopted. The eighth section of the act of Congress of the 6th of March, 1820, to authorize the people of the Missouri Territory to form a Constitution and a State Government, etc., provides: "That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of the 36° 30′ north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited. *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service aforesaid."

The Missouri question had excited intense agitation of the public mind, and threatened to divide the country into geographical parties, alienating the feelings of attachment which each portion of our Union should bear to every other. The compromise allayed the excitement, tranquilized the popular mind, and restored confidence and fraternal feeling. Its authors were hailed as public benefactors. I do not doubt that a similar adjustment of the questions that now agitate the public mind would produce the same happy results. If the legislation of Congress on the subject of the other Territories shall not be adopted in a spirit of conciliation and compromise, it is impossible that the country can be satisfied, or that the most disastrous consequences shall fail to ensue.

When Texas was admitted into the Union, the same spirit of compromise which guided our predecessors in the admission of Missouri, a quarter of a century before, prevailed without any serious opposition. The "joint resolution for annexing Texas to the United States," approved March 1, 1845, provides that, "such States as may be formed out of that portion of said Territory lying south of 36° 30′ north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And such State or States as shall be formed out of said territory north of the Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited." The Territory of Oregon lies far north of 36° 30′, the Missouri and Texas Compromise line. Its southern boundary is the parallel of 42°, leaving the intermediate distance to be 330 geographical miles. And it is because the provisions of this bill are not inconsistent with the terms of the Missouri Compromise, if extended from the Rio Grande to the Pacific ocean, that I have not felt at liberty to withhold my sanction. Had it embraced territories south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my conviction.

Ought we now to disturb the Missouri and Texas Compromises? Ought we, at this late day, in attempting to annul what has been so long established and acquiesced in, to excite sectional divisions and jealousies; to alienate the people of different portions of the Union from each other, and to endanger the existence of the Union itself?

From the adoption of the Federal Constitution, during a period of sixty years, our progress as a nation has been without example in the annals of history. Under the protection of a bountiful Providence, we have advanced with great strides in the career of wealth and prosperity. We have enjoyed the blessings of freedom to a greater extent than any other people, ancient or modern, under a government which has preserved order, and secured to every citizen life, liberty and property. We have now become an example for imitation to the whole world. The friends of freedom in every clime point with admiration to our institutions. Shall we, then, at the moment when the people of Europe are devoting all their energies in the attempt to assimilate their institutions to our own, peril all our blessings by despising the lessons of experience, and refusing to tread in the footsteps which our fathers have trodden? And for what cause would we endanger our glorious Union?

The Missouri compromise contains a prohibition [illegible] slavery throughout that vast region extending twelve and a half degrees along the Pacific, from the parallel of 36°30′ to that of 49°, and east from that ocean to and beyond the summit of the Rocky mountains. Why, then, should our institutions be endangered because it proposed to submit to the people of the remainder of our newly acquired territory lying south of 36°30′, embracing less than four degrees of latitude, the question whether, in the language of the Texas compromise, they "shall be admitted (as a State) into the Union with or without slavery." Is this a question to be pushed to such extremities by excited partisans on the one side or the other in regard to our newly acquired distant possessions on the Pacific, as to endanger the Union of thirty glorious States which constitute our confederacy? I have an abiding confidence that the sober reflection and sound patriotism of the people of all the States will bring them to the conclusion that the dictates of wisdom is to follow the example of those who have gone before us and settle this dangerous question on the Missouri compromise, or some other equitable compromise which would respect the rights of all and prove satisfactory to the different portions of the Union.

Holding as a sacred trust the executive authority for the whole union, and bound to guard the rights of all, I should be constrained by a sense of duty to withhold my official sanction from any measure which would conflict with these important objects. I cannot more appropriately close this message than by quoting from the farewell address of the Father of his Country. His warning voice can never be heard in vain by the American people. If the spirit of prophecy had distinctly presented to his view more than half a century ago the present distracted condition of his country, the language which he then employed could not have have been more appropriate than it is at the present occasion. He declared:

"The unity of government which constitutes you now one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the convictions of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

"For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICA, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have, in a common cause, fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings and success.

"With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reasons to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds.

"In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*, *Atlantic* and *Western*—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from those misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

JAMES K. POLK.

WASHINGTON, August 14, 1848.

Officers of the Provisional Government.—1848.

Governor, George Abernethy; *Secretary of Territory*, Sam'l M. Holderness;[1] *Treasurer*, John H. Couch; *Auditor of Public Accounts*, Geo. W. Bell; *Attorney General*, A. L. Lovejoy; *Territorial Aud-*

itor, Theophilus Magruder; *Judge of Supreme Court*, J. Quinn Thornton; *Marshal*, H. M. Knighton; *Judge of Circuit Court*, A. A. Skinner.

Officers of the United States in Oregon.[2]

Agent of Postoffice Department, Cornelius Gilliam; *Postmaster at Oregon City*, David Hill; *Postmaster at Astoria*, John M. Shively; *Indian Agent*, Charles E. Pickett.

The discovery of gold in California shortly after the close of the Cayuse war caused great excitement, which is mentioned more particularly further on. Nearly half of the members of the Legislature left the Territory, and when that body met at Oregon City, December 5th, there was no quorum. In a few days however, a sufficient number of members arrived, and an organization was effected by electing Ralph Wilcox, Speaker; W. G. T'Vault, Chief Clerk; and Wm. Holmes, Sergeant-at-arms. The following members had resigned or left the Territory: *Clackamas*, A. L. Lovejoy, J. L. Snook; *Tuality*, P. H. Burnett; *Champoeg*, Robert Newell; *Polk*, J. W. Nesmith, O. Russell. Even after the organization, the members were so demoralized, that as the new members had not been elected, the Legislature adjourned on the 13th of December, to February 5, 1849. On that date the Legislature met and the following members were present or had been elected since the adjournment: *Benton*, J. C. Avery; *Champoeg*, W. J. Bailey, Samuel Parker, Wm. Portius; *Clackamas*, G. L. Curry, M. Crawford, A. F. Hedges; *Clatsop*, John Hudson; *Linn*, H. J. Peterson, A. Cox; *Polk*, Jesse Applegate; *Tuality*, Ralph Wilcox, David Hill, S. R. Thurston; *Yamhill*, A. J. Hembree, L. A. Rice, W. J. Martin; *Vancouver*, A. L. Lewis. Mr. Wilcox resigned as speaker and L. A. Rice was elected to fill the vacancy.

The Governor's message being the last under the Provisional Government, is given entire:

GOVERNOR'S MESSAGE.

FELLOW CITIZENS: You are once more assembled in your legislative capacity under the Provisional Government of Oregon. The proclamation issued for the purpose of convening the Legislature at this time as you are well aware, was

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[1] Dr. John E. Long, was elected Secretary of Territory, June, 1846, but was drowned that year in the Clackamas river. Frederick Prigg was appointed to fill the vacancy, but met his death in the same stream in 1847, then Samuel M. Holderness was appointed and served until the organization of the Territorial Government, March 3, 1849.

[2] The above officers of the United States, I take from the Oregon Almanac published at Oregon City, 1848.

for the purpose of transacting the business that should have been done at the regular session, but which was not attended to in consequence of their not being a sufficient number of the members present to form a quorum. At that time there was no certainty of a Territorial government having been organized for the Territory of Oregon by the Congress of the United States. Since that period, we have received information that our Territory has been provided for; that the officers necessary to cary on the government have been appointed and are now on the way to this Territory, and no doubt will soon be in our midst. This entirely changes the aspect of affairs, and places us in a far happier position than the one hitherto occupied by us as a people; we will take rank with our sister Territories, and I have no doubt will soon be admitted as one of the States of the Union. Oregon will make rapid strides under the protection of the stars and stripes, and I trust the wisdom of our legislative bodies will be apparent in the right direction given to her steps.

The most important business that will come before you at this session will be that connected with the late Indian difficulties. I am happy to inform you that through aid of the Territory to go in pursuit of the murderers and their allies, and of those who contributed so liberally to the support of our fellow-citizens in the field, the war has been brought to a successful termination. It is true that the Indians engaged in the massacre were not captured and punished; they were however driven from their homes, their country taken possession of, and they made to understand that the power of the white man is far superior to their own. The Indians have a large scope of country to roam over, all of which they were well acquainted with, knew every pass, and by this knowledge could escape the punishment they so justly merited. In view of this, the troops were recalled and disbanded early in July last, leaving a small force under the command of Captain Martin to keep possession of the post at Waiilatpu until the middle of September, when the time for which his men had enlisted had expired. He, however, before leaving, sent a party to bring in the lost company of emigrants.

The appearance of so many armed men among the Indians in their own country had a very salutary effect on them; this is seen by their refusing to unite with the Cayuse Indians, by their profession of friendship to the Americans, by the safety with which the immigration passed through the Indian country the past season. Heretofore robberies have been committed and insults offered to Americans as they would pass along, burdened with their families and goods, and worn down with the fatigues of a long journey, and this was on the increase. Each successive immigration suffered more than the preceding one; but this year no molestation was offered in any way. On the contrary, every assistance was rendered by the Indians in crossing rivers at a reasonable compensation. Having learned the power and ability of the Americans, I trust the necessity of calling on our citizens to punish them hereafter will be obviated.

I submit to you the report of the Adjutant-General, by which it will be seen that the expenses incurred for the services of privates and non-commissioned officers, in accordance with an act passed December 28, 1847, allowing one dollar and fifty cents per day, amount to $109,311.50; in addition to this will be the pay of the officers and persons employed in the several departments connected with the army. This will devolve on you to arrange during your present session; until it is done the total expenses of the war cannot be ascertained. Accompanying the report you will find the report of the Commissary and Quartermaster-General's department. One thing connected with the war department needs attending to. It is well known that the volunteers endured much fatigue and hardship and suffered many privations while prosecuting the war, and as many of them wish to avail themselves of the funds due them to supply their immediate wants, I recommend that a law be passed authorizing scrip to be issued, redeemable as early as possible, for the amount due each individual, and bearing interest until paid. It has been supposed that the United States government would pay the expenses of this war, and I see no reason to doubt it as it was entered into for the protection of American citizens. This will induce persons to purchase the scrip and enable the holders to realize something for their services.

Every effort was made by me after the breaking out of these difficulties to get letters to California, asking assistance from Governor Mason. The earliest conveyance by which I could forward letters was the brig *Henry*, in March. By the return of the *Henry*, in August, a liberal supply of ordinance and ordinance stores were received from California, though not in time for the late campaign; still, should any difficulty occur hereafter it places in our hands the means of defense.

* * * To strike out the word "regulate" and insert the word "prohibit" in the clause relating to the sale of ardent spirits. The last amendment came before the people for a direct vote, and I am happy to say that the people of this Territory decided through the ballot-box by a majority of the votes given that the word "prohibit" should be inserted. This makes the question a very easy one for you to decide upon. This is destined to be a very wealthy portion of the United States, and if to this we can add the most temperate, nothing will prevent our rising and becoming a valuable acquisition to the Union.

I would call your attention to a law passed at the last session of the legislature entitled "An Act to Prevent the Introduction of Firearms Among the Indians." As many of the Indians live by hunting, and a small quantity of powder and lead is actually necessary to provide for their wants, I think the law should be modified so as to permit the sale of powder and lead to friendly Indians.

A communication is about to be opened with the Eastern States, through the agency of the steamers, that will tend very much to the advantage of the Territory. Every facility we can offer them will help us. Coal in large quantities will be required for their use. This article is, no doubt, abundant in this Territory, and if any way could be devised by which supplies from different portions of the country could be procured and forwarded to their agents, in order that the different qualities could be tested, it would tend to benefit us. If we have coal of the right description so located that it can easily be placed on the banks of the Columbia river, there is no doubt that the Columbia river will become its principal depot. The dangers that have been thrown around the mouth of our river will vanish on their first entering, and the dreaded bar will soon be forgotten.

As the probability is that the legislature of Oregon will convene at no distant day, under the new government, when the laws passed will have more permanent basis to rest upon than at present, I would recommend that after the indispensable business of the session is attended to you adjourn.

In closing, permit me to unite with you in an expression of thankfulness to our Creator for the many mercies bestowed on us during the past season, among which may be enumerated an abundant harvest and the blessings of health. May we look to Him for guidance and direction in the discharge of our several duties.

OREGON CITY, February 5, 1849. GEO ABERNETHY.

After the message was read the legislature attended in earnest to the business before it, and called upon the several departments for their reports, which call was very generally responded to. Unfortunately, most of these documents must have been destroyed in the burning of the capitol December 29, 1855. All that are attainable are inserted in their proper place.

The law prohibiting the sale of firearms, powder and lead to Indians was repealed. The following territorial and judicial officers were elected: Supreme Judge, A. J. Lovejoy; Circuit Judge, Wm. J. Matlock; Secretary of Territory, Theophilus McGruder; Treasurer, Wm. K. Kilborn; Auditor, J. G. Campbell; Marshal, Wm. H. Bennett; Superintendent of Indian Affairs, A. L. Lewis.

During this session a bill was passed providing for weighing and stamping of gold—the vote was 16 to 2. Mr. M. Crawford entered a protest on the journal, stating that he thought it contrary to the constitution of the United States; that he believed an officer of the United States would soon come who would prohibit the operation of the mint; and he thought it inexpedient to pledge the faith of the territory for the amount necessary to put the mint in operation when it would be discontinued immediately upon the arrival of an officer from the United States. Mr. W. J. Martin also entered a protest similar to the above.

The reported discovery of rich and extensive gold mines, as before mentioned, in California, threw the people of the territory into greater excitement than ever. The people who had immigrated to this coast had come to establish homes and build up the country on the same principle that the Western states had been settled. They were frugal in their mode of living, their wants were few, and these were gradually being supplied and augmented by the development of the natural resources of the country. No thought was entertained of sudden and immense fortunes. Wheat was the currency at one dollar a bushel, and that was the price of a day's labor. Horses and cattle were cheap and increased rapidly, requiring but little care. All was now peace and tranquility among the people. The inhabitants were happier at that period than they have ever been since, while looking forward to the time when the home government would extend its ægis of protection over them. But how soon was this peaceful, rustic condition changed. The schooner *Honolulu* arrived at Portland, and her commander, Captain Newell, after purchasing all the picks and shovels he could, announced that extensive and rich gold "diggins" had been discovered in California. This was at first doubted, but on August 9th the brig *Henry* arrived from San Francisco, not only confirming the report, but bringing marvelous tales of the discovery by J. W. Marshall, who had come to Oregon in 1844 and thence to California in

1846; also statements of Charles Bennett and Stephen Staats, who had gone to California in 1847. All three were well known to the citizens of the valley. I insert the following, which gives a very fair description of the effect of the news, and really contains more truth than poetry.

From the *Oregon Spectator.*

Come hither, Muse, and tell the news,
Nor be thou a deceiver,
But sing in plain poetic strain
The present "yellow fever."

Not long ago I laid me down
To rest in quiet slumbers,
And whilst I slept I dreamed a dream
And coined it into numbers,

I thought I saw on every hand
A mighty congregation—
A heterogeneous mass of men
Of every name and nation.

And each pursued with keen delight
Some honest occupation,
Whilst rosy health, the laborer's wealth,
Filled every situation.

And then I looked, and lo! I saw
A Herald bright advancing—
A being from some other clime
On golden pinions dancing:

And as he neared the mighty crowd
He made this proclamation
In tones so clear, distinct and loud
It startled half the nation:

"Why do you labor here," he cried,
"For merely life and pleasure,
While just beyond that mountain gray
Lies wealth beyond all measure?

The road is plain, the way is smooth,
'Tis neither rough nor thorny;
Come, leave this rugged vale and go
With me to California.

There wealth untold is bought and sold
And each may be partaker!
Where fifty tons of finest gold
Are dug from every acre!"

At sound of gold both young and old
Forsook their occupation,
And wild confusion seemed to rule
In every situation.

An old cordwainer heard the news,
And though not much elated,
He left his pile of boots and shoes
And just evaporated.

The cooper left his tubs and pails,
His buckets and his piggins;
The sailor left his yards and sails,
And started for the "diggins."

The farmer left his plough and steers,
The merchant left his measure,
The tailor dropped his goose and shears
And went to gather treasure.

A pedagogue, attired incog,
Gave ear to what was stated,
Forsook his stool, bestrode a mule,
And then absquatulated.

A boatman, too, forsook his crew,
Let fall his oar and paddle,
And stole his neighbor's iron-gray,
But went without a saddle.

The joiner dropped his square and jack,
The chapenter his chisel,
The pedlar laid aside his pack
And all prepared to mizzle.

The woodman dropped his trusty axe,
The tanner left his leather,
The miller left his pile of sacks
And all went off together.

The doctor cocked his eye askance,
The promised wealth descrying,
Then wheeled his horse and off he pranced
And left his patients dying.

The preacher dropped the Holy Book
And grasped the mad illusion;
The herdsman left his flock and crook
Amid the wild confusion.

The judge consigned to cold neglect
The great judicial ermine,
But just which way his honor went
I could not well determine.

And then I saw far in the rear
A fat, purse-proud attorney
Collect his last retaining fee
And start upon his journey.

And when each brain in that vast train
Was perfectly inverted,
My slumbers broke and I awoke
And found the place deserted.

O. P. Q.

YAMHILL, Nov. 10, 1848

On the return of the settlers of Oregon from the California mines, they brought with them a large amount of gold dust and it immediately became the circulating medium. The only way that its value could be approximately arrived at was by weight on small apothecary or gold scales. The gold dust contained a large percentage of black sand and other impurities that could not be separated in the then crude mode of mining, and the ruling price was $16 an ounce. There soon grew up a difference of opinion between the purchaser and seller as to whether the transactions were equitable, the receiver claiming that the gold was not up to the correct, or accepted standard, while the owner claimed it was worth more. Consequently gold and silver coin, what little there was, commanded a premium. To obviate this difficulty Mr. Wm. H. Rector, of Salem, conceived the idea of establishing a mint, and as the provisional legislature was then in session at Oregon City he petitioned that body to pass a law authorizing a company to assay and coin gold into ten and five dollar pieces. The legislature passed the following law, which was approved February 16, 1849, by Governor Abernethy.

An Act to provide for the Weighing and Assaying of Gold and Melting and Stamping the same.

WHEREAS, A large amount of gold, in dust and particles, mixed with other metals and impurities, is being brought to and bartered in this Territory, and great impositions may be practiced upon the farmers, merchants, and community generally of this Territory, by the introduction of spurious and impure metals, and great irregularities may exists in the scales and weights useed by the different individuals dealing in the said article; therefore,

SECTION 1. *Be it enacted by the House of Representatives of Oregon Territory,* That a place be established at Oregon City for the weighing and assaying of gold, and melting and stamping the same; and that said establishment shall be kept open daily, Sundays and holidays excepted, from 10 A. M., till 4 o'clock P. M., and shall be under the superintendence, management and control as hereinafter provided.

SEC. 2. There shall annually be elected by the House of Representatives, one director, one assayer, one treasurer, one melter and one coiner, who shall severally take the oath of office, and give bonds and security, to be approved by the Governor, payable to the Territory of Oregon, in the penal sum of thirty thousand dollars each, for the faithful performance of the duties herein assigned them, and who shall receive as a compensation for their services per annum the sum of nineteen hundred and ninety-nine dollars each, for the time such officers shall be employed, to be paid quarterly out of the proceeds of the establishment created by this act.

SEC. 3. Said director is hereby authorized and empowered, immediately after being properly qualified, to pledge the faith of the Territory, and the net profits or income arising from the establishment, to secure the necessary materials to put the establishment in successful operation; and he is hereby enjoined and empowered to devote so much of the first profits arising from the concern to the payment of the necessary expenditures incurred by the purchase of the said materials and putting the establishment in operation, as soon as the same shall come into the treasury; and his draft shall be good on the treasurer for the amount. It shall be the duty of the director to have a superintending control over the entire establishment, and to see that the provisions and requirements of this act are carried into effect; to constantly review and inspect the several departments, and require and enforce their perfect efficiency; to direct the operations of the several departments where the same are not herein specially provided for; and to publish quarterly a statement of the doings and condition of the establishment by inserting in some newspaper, if any there be published in the Territory, or in case there be no newspaper printed in the Territory, then by sending to the Clerk of the County Court of each county a copy of their quarterly report, and annually report the same to the Legislature.

SEC. 4. It shall be the duty of the assayer to weigh and ascertain the purity of whatever gold may be offered for sale to the establishment, before its purchase, and, when the weight, purity, and worth of said gold is ascertained, to attest the same and deliver the gold to the treasurer, with a proper certificate of the facts.

SEC. 5. It shall be the duty of the treasurer to purchase such gold as shall properly have passed the assaying department, allowing sixteen dollars and fifty cents per ounce for gold of virgin purity, or twenty-four carats in fineness; he shall file away the assayer's certificates, and keep a correct account of the receipts and disbursements of his office.

SEC. 6. It shall be the duty of the melter and coiner to melt and prepare the gold for stamping, without the interposition or intermixing of any alloy whatever with the said gold; to stamp it in pieces weighing five pennyweights, and ten penny-weights each, no more and no less, upon such dies as hereinafter described; he shall receipt to the treasurer for all gold received in his department, and the treasurer shall receipt to him for all the stamped gold returned by him; and the value of said coin shall be one dollar per penny-weight, and be a legal tender throughout the Territory.

SEC. 7. The dies for stamping shall represent on one side the Roman figure five, for the pieces of five penny-weights, and the Roman figure ten for the pieces of ten penny-weights; the reverse sides shall have the words "Oregon Territory" and the date of the year of stamping around the face, with the arms of Oregon in the center.

SEC. 8. All the disbursements of the establishment, together with the pay of the officers of the same, shall be made in the stamped pieces hereby authorized, and whatever remains of profits, after deducting the expenses of said establishment, shall be set apart to pay the public debt for and on account of the Cayuse war; and the same shall be applied according to such regulations as may hereafter be made by law.

SEC. 9. That so soon as this establishment shall be ready to go into operation, the Governor shall issue a proclamation of the fact.

SEC. 10. Any individual weighing or pretending to weigh and stamp gold in this Territory, or stamping or pretending to stamp gold, or shall pass or pretend to pass or attempt to circulate the same, when so stamped, knowing the same to be counterfeited or stamped without authority of this act, shall for each and every offense or act of this kind, be fined for the use of the Territory, any sum not less than one hundred dollars, and imprisonment for not less than one year; and any individual or individuals, or any company, body politic or corporate, counterfeiting or using the arms, or any part thereof, of this Territory, as a stamp or mark upon any metal, either pure or adulterated, shall be fined in any sum not less than one hundred dollars, and imprisoned not less than one year for each offense, by indictment in a court having competent jurisdiction.

SEC. 11. The criminal provisions of this act to take effect thirty days after passage, the balance to take effect from the date of approval.

Approved, February 16, 1849. L. A. RICE,
Speaker.
GEO. ABERNETHY,
Governor.

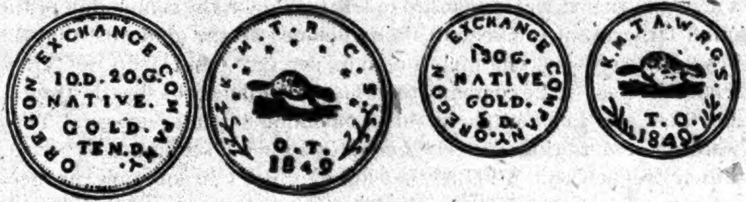
The Legislature immediately elected the following officers: James Taylor, director; Truman P. Powers, treasurer; Wm. H. Willson, melter and coiner; Geo. L. Curry, assayer. The company was composed of the following representative men: Theophilis Magruder, Wm. K. Kilborne, James Taylor, George Abernethy, Wm. H. Willson, Wm. H. Rector, John G. Campbell, and Noyes Smith.

Mr. Rector who was a man of considerable mechanical ingenuity, was authorized to build the rolling mill, and furnish the dies and stamps. He went to Salem and employed Thomas Powell, an excellent blacksmith, to do the forging. (Mr. Powell is still living, and for a man 80 years of age very active.) In a letter to the historian on the subject written at his dictation, the writer says: "Thomas Powell was employed to do the forging at one dollar per pound for iron used. They had considerable difficulty in obtaining the iron, but by using old wagon tires and such scraps as could be found, they eventually by welding the pieces together, made a very good machine, for which he (Mr. Powell) received $60. Mr. Rector did the lathe work himself, but Mr. Powell assisted during the whole process and received $40 extra pay, although he did not expect it, as he wished to see the work go through. Mr. Hamilton Campbell did the engraving on the dies."

From a letter written by Mr. John P. Rector (third son of Mr. Rector's) the following extract is made on the same subject: "Father petitioned the Legislature allowing a company to coin gold dust (that was fast becoming the circulating medium of the country), into bullion in the shape of five and ten dollar coins; it was granted, and a company was formed giving him the privilege of making the mint, and also the money. He went to work at once to make the machine which gave him great credit in the opinion of the people. The work was done in Salem, in the shop of Thomas Powell, a blacksmith (whom you will remember). He did the forging, father superintending all the work. Father did all the turning in Joseph Watt's shop on Mill creek, east part of Salem. Hamilton Campbell engraved the dies, and he claimed to have the tools. I saw him put the engravings on the five dollar dies; if you remember there was a mistake in the order of the initials, 'O. T.' they were reversed and read 'T. O.' this was a source of great dissatisfaction to father, but it required so much work to make a new die, that it was concluded to let it go. On the completion of the mint, father went to Oregon City and coined all the gold dust that the people brought in, charging a certain per cent., but I do not know what that was. The company then met and ordered the dies destroyed, and there was a committee of three appointed for that purpose. They were ordered to throw them from a high rock that stands below the falls at Oregon City. Whether they did so or not I do not know, as there was some doubt in after years. The stamp I know nothing about."

The committee spoken of by Mr. Rector, did not throw the dies into the Willamette river, as Hon. D. P. Thompson afterwards rented a room of Mr. McKenzie, and in cleaning out the rubbish, he found the dies and sent them to the Secretary of State (S. E. May) to be kept by the State, and they are now in the vault of that office. There is also one $10 piece kept at the same place. The author has seen the dies several times and made impressions of them in block tin. The rolling mill was sent out somewhere in Southern Oregon, but the locality is doubtful, probably Umpqua.

A great many inquiries have been made in regard to the amount of gold coined, and the best information that can be obtained is, that $30,000 were coined in five dollar pieces and $28,500 in ten dollar pieces—being $58,500. As small an amount as that now appears, it was a great relief to the community, but as there had been a large amount of gold and silver coin received in California from Mexico, and some from Philadelphia, after the organization of the Territorial government, the necessity and legality for this institution passed away. All this money was bought up by the U. S. Mint at San Francisco at a premium, as it contained more gold than the standard value, there being no alloy in the coin. On one side of the $10 pieces, around the edge were the words "Oregon Exchange Company," and in the circle "10 D 20 G, native gold ten D." On the opposite side half around the edge were the letters "K. M. T. R. C. S." Underneath were seven stars and a beaver on a log. The remainder of the circle was an ornamental scroll on each side of the date "1849," and above, but below the beaver the letters "O. T." On the $5 pieces around the edge was the inscription "Oregon Exchange Company," in the center "130 G native gold 5 D." On the opposite side the letters in the same position as on the $10 piece, as follows: "K. M. T. A. W. R. G. S." and the remainder with beaver and date as the other piece. It will be noticed that "A" and "W" are omitted on the $10 pieces, a discrepancy for which I have never been able to ascertain the cause. On the former piece is "C," while on the $5 piece is "G," another discrepancy.



RECAPITULATION.—PROVISIONAL GOVERNMENT.

EXECUTIVE COMMITTEE.—David Hill, Alanson Beers and Joseph Gale, from July, 1843, to July, 1844.

P. G. Stewart, Osburn Russell and Alanson Beers, from July, 1844, to July 1845.

GOVERNOR.—George Abernethy, from July, 1845, to March 3, 1849.

We now come to the end of the first epoch of the history of Oregon, the closing of the Provisional Government, a veritable "government of the people and by the people." A government more peaceful, just and equitable, than either of the two which have followed it. The inhabitants of that day, or the few who still linger on the shore of time often sigh for the days long gone when Oregon was new. They came peacefully and took possession of their heritage, laying the foundation broad and deep, of what at this writing are three prosperous States. They did more—they assisted in acquiring, indirectly it is true, that great State of California and adding it to the Union. The prime movers in all this were Captain John A. Sutter, the patriotic Swiss, James W. Marshall, the discoverer of gold, the first State Governor, P. H. Burnett, all going from Oregon. The hundreds of miners who went from this Territory wielded no small influence in moulding the government of the State. Now the time had come for the pioneers of the 30's and the 40's to lay down the burden of self government, and on the evening of February 16, 1840, Speaker Levi A. Rice, according to a resolution previously adopted, brought down the gavel and declared the Oregon Legislature of the Provisional Government adjourned *sine die*, closing its time and history, but the government went on until the following 3rd of March, when Governor Lane assumed office.

Before closing this volume, I respectfully submit the assertion, that English navigators never discovered one foot of the Northwest coast, and that her claim as such, is unfounded on facts of history. The careful reader of the foregoing pages, I doubt not will bear me out in the assertion; although, as far as I know, it has never before been asserted, except by the talented Secretary of State, James Buchanan. Taking the authenticated narratives of all the navigators who first sailed along the coast, commencing with Juan De Fuca, down to Gray and Vancouver, the preponderance of evidence is in favor of Spain north of the Columbia river; and Gray's discovery of that river, with the Louisiana purchase, gave to the United States the title to all the country, from the northern boundary of California north up to 54° 40′, and should now belong to the United States. I will not attempt to go into the minutiæ of detail, but ask the reader to peruse carefully the historical data and the diplomatical correspondence which is quite full and reliable.

Hoping that the reader has been entertained if not instructed, I will close volume first.

TIMES AND PLACES OF HOLDING COURTS.

SUPREME COURT.

Hon. J. Quinn Thornton, Judge. Oregon City, first Monday in June and September.

CIRCUIT COURT.

Hon. Alonzo A. Skinner, Judge.
Polk County—First Monday in March and September.
Champoic County—Second Monday in March and September.
Yamhill County—Third Monday in March and September.
Tualatin County—Fourth Monday in March and September.
Clackamas County—First Monday in April and October.
Vancouver County—Second Monday in April and October.
Clatsop County—Third Monday in April and October.
Lewis County—First Monday in May and November.

ELECTION OF JUNE, 1848.

TUALATIN COUNTY.

Representatives—	
S. R. Thurston	155
P. H. Burnett	129
Ralph Wilcox	195

Sheriff—	
J. E. Wiley	213
Treasurer—	
J. W. Chambers	113

CLACKAMAS COUNTY.

Representatives—	
A. S. Lovejoy	161
C. L. Curry	157
M. Crawford	77
J. P. Rogers	87
Wm. J. Bailey	24
J. S. Snook	143

Representatives—	
P. Welch	30
J. R. Robb	100
M. M. McCarver	128
Sheriff—	
T. J. Brown	137
Wm. Holmes	169

CHAMPOIC COUNTY.*

Representatives—	
W. J. Bailey	198
W. H. Rector	58
Wm. Portius	156
Rice Dunbor	57
L. N. English	60
W. W. Chapman	42
Abner Goines	185
Robert Newell	188

Representatives—	
W. P. Pugh	9
Wm. Shaw	10
Sheriff—	
Wm. Parker	200
E. Dufriese	162
Treasurer—	
J. W. Vernon	29

* Partial returns only; several precincts not on file in clerk's office.

YAMHILL COUNTY.

Representatives—	
A. J. Hembree	112
Wm. Martin	145
Adam Smith	39
Levi A. Rice	94
C. M. Walker	74

Representatives—	
M. Gilmore	75
Sheriff—	
J. R. Baker	178
J. Minch	32

POLK COUNTY.

Representatives—		*Representatives—*	
H. Linville	85	A. Harvey	17
J. Morin	54	*Sheriff—*	
A. C. R. Shaw	13	C. D. Embree	50
J. W. Nesmith	63	J. M. Allen	24
O. Russell	58	J. B. Bounds	30
M. A. Furd	46		

SPECIAL ELECTION, NOVEMBER 27, 1848.

TUALATIN COUNTY.

Representatives—		*Representatives—*	
David Hill	18	Elin Young	4

CLACKAMAS COUNTY.

Representatives—		*Representatives—*	
M. Crawford	40	A. F. Hedges	47
P. Foster	11	Geo. Walling	37
R. V. Short	5	W. F. Good	3

The questions of "regulating" or "prohibiting" the manufacture of intoxicating liquors, and that the county clerk of each county act as recorder of land claims, instead of the secretary of the territory, was submitted to the people at the general election, June 12, 1848, with the following result:

COUNTY.	Regulate	Prohibit	County Cl'k as Recorder	Sec Territory as Recorder.
Clatsop	93	14	37	9
Polk	64	34	---	--
Linn	93	14	65	--
Tualatin	119	95	113	--
Yamhill	134	54	144	--
Clackamas	28	223	239	9
Vancouver	22	27	---	--
Champoic	130	239	109	9
Benton	---	---	---	--
	693	700	707	27
Majorities	---	7	680	--

LOAN COMMISSIONER'S REPORT.

Aggregate amount of bonds issued	$14,761 75	
Aggregate amount of vouchers for Com. General	14,344 95	
Leaving a balance of		$416 80
Balance on Gov. Abernethy's books	$ 42 07	
Rev. Wm. Robert's draft on H. Campbell	500 00	
Total		$542 07

(Signed) HUGH BURNS, *Commissioner.*

TREASURER'S REPORT.

Whole amount of scrip issued to date	$14,373 91	
Amount redeemed	8,935 52	
Outstanding scrip		$5,438 59

Dr.

Since last report there has been scrip issued	$ 5,470 72	
Absentee taxes	660 00	
County taxes	1,428 50	
Licenses to vend merchandise, etc.	305 00	
Total		$7,864 22

Cr.

Paid Auditor's drafts	$ 3,529 18	
Paid interest on scrip	116 70	
Paid 10 per cent. collecting taxes	62 55	
Scrip redeemed	4,155 22	
Total		$7,767 65

(Signed) Wm. R. Kilborn, *Treas. O. T.*

TERRITORIAL AUDITOR'S REPORT.

Whole amount of warrants drawn on Treasurer		$3,529 20
By former Auditor	$ 3,204 10	
By W. Clark	325 10	
		$3,529 20
The amount drawn from unexpended appropriation last year		342 85
Balance		$3,186 35

To what Appropriated.	Amount Appropriated.	Expended.	Unexpended.
Pay of the Legislature	$1200 00	$1069 40	$130 60
Executive Department	300 00	225 00	75 00
Circuit Attorney	300 00	225 00	75 00
Frederick Prigg, Sec'y Territory	80 30	80 30	------
C. W. Bell, Auditor	68 87	68 87	------
Territorial Treasurer	500 00	336 20	163 80
Judiciary Department	1600 00	825 00	775 00
Indian Department	200 00	100 00	100 00
Contingent expenses	500 00	256 50	243 50
Whole amount appropriated	$4749 25		
Whole amount expended	--------	$3186 35	
Whole amount unexpended	--------	----- -	$1562 90

(Signed) W. Clark, *Auditor.*

Oregon City, February 9, 1849.

Note.—About 3,000 immigrants arrived in 1848.